

REASON AND FREEDOM:
A Study of Hegel's "Philosophy of Right"

Gary Alan Soroka

Ph.D.
University of Edinburgh
1979



ABSTRACT OF THESIS

Hegel's Philosophy of Right occupies a distinct position within his philosophical system. Hegel claims to describe a complete and comprehensive system of human practical freedom, of freedom actualized in the practical life of man. Chapter One of the thesis describes Hegel's method. It is shown that, according to Hegel, the only true method of examining a philosophical position consists in revealing its internal logical structure and determining whether the claims to truth advanced by the system can be supported by and are consistent with the logic of the system.

In Chapter Two I locate the Philosophy of Right within Hegel's mature philosophical system. In Chapter Three I discuss Hegel's "Introduction" to the Philosophy of Right and demonstrate that the central concern of Hegel's political philosophy--the actualization of human freedom--is introduced through an examination of the theoretical and practical dimensions of human existence. In Chapters Four and Five I try to demonstrate that, in his sections on "Abstract Right" and "Morality", Hegel describes rival modern theories of freedom (contract theory and morality) and shows each to be inadequate according to its own standards of logical consistency and completeness.

In Chapter Six I discuss Hegel's philosophy of world-history and try to demonstrate its importance to an understanding of Hegel's discussion of ethical life in general and the rational state in particular. The philosophy of world-history helps us to understand the apparently abrupt transition to "Ethical Life". In Chapter Seven I argue that the sub-sections of "Ethical Life"--the family, civil society and the state--describe a hierarchial pattern of forms of rational human freedom.

In Chapter Eight I evaluate Hegel's work and argue that it suffers from a fundamental flaw which is systemic, not accidental. True

freedom is predicated of the rational, self-conscious man. But only the philosopher is rational and self-conscious. We are left with two alternatives: the citizens of Hegel's rational state are philosophers; or the citizens of the state exist for the philosopher who alone is free. Neither alternative is satisfactory according to Hegel's own criteria in the Philosophy of Right.

DECLARATION

I declare that this thesis, submitted to the Faculty of Social Sciences in candidacy for the degree of Doctor of Philosophy, has been composed by me and is entirely my own work.

Gary Soroka

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PREFACE AND ACKNOWLEDGEMENTS

I can recall when I decided to devote several years of my life to the serious study of Hegel. As an undergraduate student I had a lively interest in Marx. I was advised by a teacher that some attention to Hegel's writings would expand considerably my appreciation of and respect for Marx and, being a dutiful student, I began to read the Philosophy of Right. I found the experience intoxicating, although I must admit in retrospect that my reaction probably owed more to an overwhelming sense of awe than to any genuine understanding of the text. Whatever the reason, I decided then that I would return to the study of Hegel at a later, more appropriate time.

I use the word "appropriate" because, when I first read Hegel, I did not have sufficient knowledge to grapple adequately with his thought. Hegel's political philosophy is located within a long tradition of political philosophy and must be understood within that tradition. Also, Hegel's political philosophy is thoroughly integrated into his philosophical system as a whole and the whole must be understood if we are to understand its constituent parts. Accordingly, as an M.A. student I devoted my time to the study of many of the leading classic texts in the history of political philosophy and wrote a thesis on Aristotle's concept of justice. Therefore, when I enrolled as a Ph.D. student determined to write a thesis on Hegel, I had some familiarity with the primary categories and concerns of the tradition and heightened appreciation of the way in which Hegel used these categories and addressed these concerns.

Initial optimism was soon dissipated. Every time I thought I had made a "breakthrough" a whole new set of problems

appeared. Gradually, however, ideas took shape and something resembling a "thesis" about Hegel's political philosophy developed. I believed I had discovered a critical flaw in the Philosophy of Right, a flaw which rests on Hegel's fundamental drive to "complete" the history of philosophy. Having decided upon a thesis, I then faced the problem of determining the best way of presenting it. This proved very difficult.

Critical reflections on many of the commentaries and discussions in the vast secondary literature devoted to the study of Hegel revealed pitfalls which I wished to avoid. The easiest to fall into involves the suspension of all critical faculties, consequent upon an overwhelming respect for and admiration of the sheer majesty of Hegel's thought. Too often, spirited and thoughtful defenses of Hegel against his critics suffer from a muddled "softness" at their core, an inability or unwillingness to adopt a critical stance towards Hegel. Perhaps this is a natural reaction to the ignorant hostility towards Hegel which existed for far too long in the English-speaking philosophical community: it is, nevertheless, unsatisfactory.

A more complex problem is posed by works which assume the reader is thoroughly familiar with both Hegel's philosophy and a specific approach to the interpretation of Hegel. Many of these works display deep scholarship and understanding, but they leave the reader bewildered because he cannot understand how the author reached his point of departure. This may be regarded as a variant of the type of impenetrable critical enterprise which Charles Taylor describes as causing the reader to "turn with relief to the text in order to understand the commentary".

A third approach--and the most unsatisfactory--is seen in those works which attempt to criticize Hegel from an "external" standpoint. Standards are evoked against which Hegel's philosophy is measured and found wanting. At times, these works are little more than polemics, and Hegel has been accused of "crimes" ranging from wilful obscurantism to sowing the intellectual seeds of romantic nationalism which flowered into the lunatic doctrines of National Socialism. There is, however, a serious problem here: to what extent must a critic sympathetically attempt to enter into, understand and explicate the thought of another before he can establish the validity and integrity of his critique?

My search for the most satisfactory method of presenting my thesis on Hegel's political philosophy was guided, not surprisingly, by Hegel himself. In his "Introduction" to the Phenomenology of Mind Hegel sets out, in its clearest and most coherent statement, his idea of the true method of philosophical criticism and speculation. He argues that a philosophical position is developed according to a logic which is internal to the position itself. When we confront a philosophical position or system we must reveal its logical structure and discover whether the claims to truth advanced by the system can be supported by and are consistent with the logic of the system. If we neglect this critical demand then our conclusions about the merits of a philosophical position--even if essentially correct--appear arbitrary and based on simple prejudice.

I believe Hegel is right on the subject of philosophical investigation and, therefore, my analysis of the problems and limits of his political philosophy must proceed from a thorough examination of the logical structure, arguments and claims of

the Philosophy of Right. The next question is how far must one "unravel" a system before one's conclusions about the system appear valid and coherent. The more I examined the Philosophy of Right the more convinced I became of the systematic unity of the work. I have referred to my thesis that there is a fundamental flaw in Hegel's political philosophy, a flaw which is systemic, not accidental. It is my belief that if I am to demonstrate this convincingly I must lay bare the logical, systematic structure of the entire work; in other words, I must begin at the beginning.

Accordingly, Chapter One is devoted to a discussion of Hegel's method. Although this discussion is based on Hegel's "Introduction" to the Phenomenology of Mind, I believe his statements there apply mutatis mutandis to the Philosophy of Right. Hegel's idea of philosophical method is essential to our understanding of his procedure and arguments in the Philosophy of Right. In Chapter Two, I locate the Philosophy of Right within Hegel's mature philosophical system as a whole.

In Chapter Three I begin my detailed examination of the Philosophy of Right, with a discussion of Hegel's "Introduction". It is in this chapter that the central concern of Hegel's political philosophy--the actualization of human freedom--is introduced through a discussion of the theoretical and practical dimensions of human existence. Chapters Four and Five are devoted to the examination of the sections of the Philosophy of Right titled, respectively, "Abstract Right" and "Morality". I try to demonstrate that these sections describe rival philosophies of freedom and how each "rival" is shown to be inadequate by Hegel.

In Chapter Six I depart from Hegel's organization of the Philosophy of Right and examine his lengthy introduction--

published separately under the title Reason in History--to his lectures on the philosophy of world-history. I do this because I am convinced that the transition in the Philosophy of Right from "Morality" to the section on ethical life is best understood against the background of the philosophy of history. Indeed, I would argue that some of the confusion over Hegel's political philosophy stems from a disregard for the importance of the philosophy of history to an understanding of Hegel's discussion of ethical life in general and the rational state in particular. Chapter Seven examines the three parts of the section on ethical life--the family, civil society and the state.

The first seven chapters of the thesis have a primarily expository tone, and I have said why I believe this procedure is required. I believe there is much interesting material in these chapters, and difficulties in the text are not avoided. Nevertheless, it is true that the exposition proceeds, with few exceptions, in a non-critical manner. That is, my intention is to explain what Hegel is saying in the Philosophy of Right and why he says it in the way he does. Whatever "critical fire" there is in the thesis is reserved for Chapter Eight.

This was a deliberate decision. In Chapter Eight I try to demonstrate that, ultimately, Hegel misjudges the nature of politics and political life as a result of his attempt to absorb the finitude of the political world into the infinity of philosophical discourse. I do not try to "refute" Hegel on the details of his analysis; rather, I try to show that his analysis of modes of social and political organization is ultimately betrayed by his drive for philosophical completeness. I believe the procedure I have followed in the thesis enables me to establish my critical

arguments on a solid base of sympathetic understanding. In this way I hope I have, in a small way, remained true to the great critical spirit of Hegel.

I have many fond memories of the years I spent at the University of Edinburgh and I would like to thank Dr. Henry Drucker, whose patient and helpful supervision contributed so much to the congenial atmosphere I recall with such pleasure. I should also like to thank two fellow students, Jay Bernstein and Richard Gunn, for their generous help and valuable advice. Finally, this work is dedicated to my wife, Joanne; without her encouragement and editorial assistance it would never have been completed.

Abbreviations used in the Text

In the thesis, quotations from Hegel are frequently given. The great majority are taken from a few works and, for ease of reference, the source of the quotation is listed in parentheses immediately following the quotation. Abbreviations used to refer to these works are listed below. All footnotes in a chapter are placed together in a "footnotes" section at the end of each chapter.

<u>Abbreviation</u>	<u>Work and Comments</u>
<u>PhG.</u>	Hegel, G.W.F. <u>Phänomenologie des Geistes</u> , ed. J. Hoffmeister. Hamburg, 1952. References are to page numbers.
<u>PhM.</u>	Hegel, G.W.F. <u>The Phenomenology of Mind</u> , trans. with an Introduction and notes by J.B. Baillie, introduction by George Lichtheim. New York, 1967. References are to page numbers.
<u>Log.</u>	Hegel, G.W.F. <u>Hegel's Science of Logic</u> , trans. by A.V. Miller. London, 1969. References are to page numbers.
<u>PR.</u>	Hegel, G.W.F. <u>Hegel's Philosophy of Right</u> , trans. with notes by T.M. Knox. Oxford, 1967. References are to paragraph numbers. "Remark" refers to explanatory remarks which follow the main text of some paragraphs. "Addition" refers to additions to paragraphs inserted by editors on the basis of students' lecture notes.
<u>Enc.</u>	Hegel, G.W.F. <u>Encyclopaedia of the Philosophical Sciences</u> . (1830) Part One, <u>The Logic of Hegel</u> , trans. by William Wallace. 2nd ed., revised and augmented. Oxford, 1972. Part Two, <u>Hegel's Philosophy of Nature</u> , trans. by A.V. Miller, with forward by J.N. Findlay. Oxford, 1970. Part Three, <u>Philosophy of Mind</u> , trans. by William Wallace, together with the <u>Zusätze</u> in Boumann's Text (1845), trans. by A.V. Miller, with forward by J.N. Findlay. Oxford, 1971. References are to paragraph numbers. "Remark" refers to explanatory remarks which follow the main text of some paragraphs.

<u>Abbreviation</u>	<u>Work and Comments</u>
<u>H.C.E.</u>	Heidegger, Martin. <u>Hegel's Concept of Experience</u> , with a section from <u>Hegel's Phenomenology of Spirit</u> , in the Kenley Royce Dove translation. New York, 1970. References are to page numbers. References to Hegel's "Introduction" to the <u>Phenomenology of Spirit</u> are to the Kenley Royce Dove translation.
<u>RH.</u>	Hegel, G.W.F. <u>Lectures on the Philosophy of World History - Introduction: Reason in History</u> , trans. by H.B. Nisbet, Introduction by Duncan Forbes. Cambridge, 1975. References are to page numbers.

CHAPTER ONE

THE DIALECTIC OF EXPERIENCE

Hegel's mature philosophical works pose many difficulties for the reader. In addition to the almost legendary denseness of his prose style, Hegel appears to organize each work in a manner which borders on the wilful. The works are divided and sub-divided into sections and sub-sections with little apparent regard for the reader who seeks to understand the whole. Concepts appear in one section and then disappear, only to reappear many sections later with seemingly different contents than were attributed to them when they were originally introduced. Transitions from one section to another often appear to owe more to caprice than to any rigorous logic internal to the philosophical argument under examination. The whole enterprise of reading Hegel is made especially difficult because Hegel himself rarely justifies - or even describes - the methodology he employs. The major significant exception to the general absence of a coherent treatment of methodology by Hegel is to be found in his "Introduction" to the Phenomenology of Spirit.

This chapter of the thesis will examine some of the methodological principles discussed by Hegel in that "Introduction". I believe the methodological principles elucidated in the "Introduction" are found in Hegel's other works and their discussion in this chapter will facilitate considerably the subsequent examination in the thesis of Hegel's political philosophy. It must be noted from the outset, however, that all the methodological principles discussed by Hegel in the "Introduction" cannot be applied mutatis mutandis to all other works in the Hegelian corpus. The specific set of problems addressed in the Phenomenology require a specific approach; nevertheless, the methodological similarities between the Phenomenology and Hegel's other works are significant and, in my view, far outweigh the differences.

In the Phenomenology Hegel seeks to establish his own idea of true philosophical knowledge. He proceeds by way of an examination of alternative claims to true knowledge. The examination proceeds from the most basic and simple claims, through increasingly complex ones to the most complex and complete claim - Absolute Knowledge as described by Hegel. The examination exhibits a definite structure as each claim in turn is examined and rejected in favour of a more complex one.

But the significant point to grasp is that each claim yields to a higher claim by virtue of a logic internal to the claim itself. It is Hegel's contention that the progress of his examination is informed through and through with the logic of necessity. This logically necessary structure of development from simple to complex - or, in Hegel's language, from abstract to concrete - is termed dialectical. The dialectic of development is found in all of Hegel's mature works and it is this methodological principle which he discusses in his "Introduction" to the Phenomenology. It is for this reason that I believe an extended treatment of Hegel's "Introduction" facilitates the subsequent discussion of Hegel's political philosophy. It presents and prepares the methodological foundation for the detailed examination of the Philosophy of Right and other relevant texts which is undertaken in the remainder of the thesis.

Similarly, it is useful to examine the way in which Hegel presents alternative claims to his own philosophy of Absolute Knowledge. Hegel does far more than set up easily-refuted "straw-men" in an effort to establish his own position. He is concerned to illumine the philosophical principles underpinning alternative positions and then discover what is false and, equally important, what is true in each

position. This procedure is as true of the Philosophy of Right as the Phenomenology and so Hegel's discussion in the "Introduction" of the procedure's methodological principles contributes to the examination of Hegel's political philosophy.

Hegel does not hesitate in the "Introduction" to state clearly that the proper subject of philosophy is the discovery and description of the "actual knowledge of what truly is" (PhG. p.63; H.C.E. p.7). That view of philosophy's "proper subject" is, however, opposed by the dominant views of philosophy current in Hegel's time. Hegel characterizes the philosophical opposition as sharing the conviction that, before philosophy can investigate "what truly is" it must first address the problem of the nature of knowledge itself. In other words, philosophy must first investigate the nature of knowledge and describe the powers and limits of the human capacity to know anything at all, before it can attempt to know "what truly is".

That conviction, which Hegel regards as quite "natural", is shared by the tradition of "post-Cartesian" philosophy in general; when we turn to particular philosophers within the tradition, however, we discover that the shared conviction hides a multiplicity of radically different philosophical positions. The differences between philosophical positions on the nature of knowledge can be so great that, in Hegel's view, the different positions become mutually exclusive. The "exclusivity" of the positions implies that it becomes very difficult for the "outsider", for the student of philosophy who is not committed to one or another position, to make an intelligent choice among rival positions. The problem of choosing between philosophical alternatives may appear to be a "psuedo-problem". Surely, it may be argued, the student's indecision rests on inexperience; when the student has

progressed, has studied the alternatives in greater detail, he will be in a position to choose one philosophy over another because it is truer, more complete than rival philosophies.

Hegel views the "puzzled student" with considerable sympathy. Hegel contends that modern philosophies of knowledge rest au fond on sets of assumptions or presuppositions which remain unproven. Acceptance of one set of presuppositions over another leads to the adoption of the philosophy built upon it. The difficulty experienced by the student is genuine because there are no objective criteria for evaluating basic epistemological presuppositions. We can follow Hegel's reasoning here by referring very briefly to the different epistemological positions of Kant and Locke.

Kant's claim is that we only know objects through judgement. To judge an object is to bring intuitions of the object under concepts. Since judging is something persons do, then the forms of judgement (e.g. subject-predicate) must be functions of a judging consciousness. The judging consciousness actively brings intuitions of the object under concepts. It is for this reason that Hegel contends that, for Kant, consciousness is actively involved in the act of knowledge and knowledge (or, perhaps more accurately, the capacity to know) acts as an "instrument" which fashions the brute object into a knowable object, an object of knowledge. Locke, on the other hand, maintains that if an object is to be known it must be presented to consciousness. When an object is presented to consciousness what is immediately perceived are affections of our senses (e.g. colour, shapes, sounds). For our senses to be affected there must exist a causal relationship between the object perceived and human sensibility. Consciousness for Locke does not, as for Kant, actively impose the form of intelligibility

and knowability on objects which could not otherwise be known at all. It is for this reason that Hegel contends that, for Locke, knowledge (or the capacity to know) acts as a passive "medium" through which the object is presented to consciousness in the form of sensible affections.

On Hegel's reading, therefore, the problem facing the student is not simply whether Kant or Locke presents a truer philosophy of knowledge but whether knowledge itself is "active" or "passive", "instrument" or "medium". Further, Locke and Kant are only paradigms of a problem which exists throughout philosophy; namely, the basic presuppositions of the different philosophical systems are not supported by coherent and complete arguments for their truth. We have already noted Hegel's statement of the proper subject of philosophy; he too, however, faces a problem similar to the one already described in the philosophies of Kant and Locke. If he plunges straight away into a description of Absolute Knowledge as he believes it to be, he will only be presenting the "student" with one more philosophical system to choose from among the many already before him. If Hegel is to remain true to his own principles he must establish the truth of his philosophical system without resort to a set of presuppositions which, while essential to his system, remain beyond the reach of philosophical argument and support.

Can a system of philosophy be developed without resort to a set of unsupported presuppositions? Charles Taylor, writing on the opening arguments of the Phenomenology, suggests that Hegel's procedure is similar to what, with reference to Kant, we call transcendental argumentation. He writes: "By 'transcendental arguments' I mean arguments that start from some putatively undeniable facet of our

experience in order to conclude that this experience must have certain features or be of a certain type, for otherwise this undeniable facet could not be."¹ Hegel, therefore, must begin his examination of knowledge with such basic elements that to deny them would render any discussion at all of knowledge totally incomprehensible.²

We can distinguish three basic elements within the activity of knowledge in general. Knowledge, in its most basic sense, requires the representation of an object to a conscious subject. That which is represented may be an object of sensory perception or it may be an object of thought, will or emotion. Consciousness refers to the presence of the subject in the act of representation, or knowledge. The object is that which is represented to the conscious subject. When we speak of a form or shape of knowledge we are referring to the mode in which an object is represented to a conscious subject. As Heidegger points out, Hegel uses the terms "consciousness" and "knowledge" almost interchangeably since both terms, although capable of being distinguished from each other, are inseparable aspects of a single activity--the experience of knowledge. Heidegger writes: "The two explicate each other. To be conscious means to be in the state of knowledge. Knowledge itself proposes, presents, and so determines the mode of 'being' in being conscious. In that state (of knowledge) are especially: that which is known--that is, what the knower immediately represents--and the knower himself who represents, as well as the representing which is his mode of conduct."³

The consequences of breaking the experience of knowledge down into its most basic elements are significant when we attempt to understand Hegel's approach to the problem of knowledge. In all conscious experience there is an object which is represented to a subject.

This object may be anything at all and may be present either sensibly or non-sensibly. If there is no object at all, conscious experience is impossible. We have already described knowledge in general as the representation of an object to a conscious subject. The specific way in which an object is represented to a conscious subject will determine the specific form or shape of knowledge. But the specific shapes of knowledge are a secondary concern at this point for it is clear that when we break down the experience of knowledge into its most basic elements knowledge and consciousness (conscious experience) may be regarded as co-extensive. This co-extensivity of knowledge and consciousness holds for all possible forms or shapes of knowledge, for in every shape there is an object represented to a conscious subject. We can now understand what Hegel means when he says that we must set aside all presuppositions. The type of presupposition which must be avoided is the one which elevates, from the outset, one form of knowledge above all the others, and maintains that this form alone is real, or true, knowledge. Similarly, to presuppose an absolute dichotomy of subject and object or a distinction between a phenomenal and noumenal realm is to arbitrarily limit the possible forms of knowledge, i.e. modes of representation of an object to a conscious subject. By reducing the presuppositions necessary for the undertaking of an examination of knowledge to the most basic elements possible Hegel is forced to consider all forms of knowledge. That is, the examination of knowledge must examine every possible way in which an object may be represented to a conscious subject.

It is Hegel's contention that all previous philosophical examinations of knowledge have invoked a standard against which the "correctness" of knowledge may be measured. For example, modern

natural science, considered as a rigorous set of principles, has been related to phenomenal knowledge in some philosophies as a standard of measurement against which phenomenal knowledge may be compared. Hegel argues against the use of "science" in this way. Modern science itself is one shape of knowledge among many and, as such, it too must make its appearance. The presupposition of one notion of science prior to an inquiry into phenomenal knowledge will dictate the results of that inquiry. We have already seen how Hegel attempts to avoid such presuppositions. But this attempt creates a new problem for, if we examine every possible shape of knowledge, we may be left without a standard to guide our inquiry. Hegel's solution to this problem is one of his greatest philosophical achievements.

Hegel is critical of the presupposition of a dichotomy between the faculty of knowledge and truth which, in his view, underlies modern epistemological investigations. This presupposition results from the observation that consciousness "distinguishes from itself something to which it at the same time relates itself...." (PhG. p.70; H.C.E. p.19.) This "something" is the object of consciousness, and as such it has two sides. Insofar as it is an object for consciousness its mode of being is "being-for-another" and is regarded as knowledge. That is, the object is related to consciousness in a specific way and is thus said to be known by consciousness according to this specific mode of representation (knowledge). But the object is also regarded as having an essence which is independent of its being known or not, and this "being-in-itself", this essence, is the truth of the object. Epistemology is directed towards determining the truth of knowledge. This activity involves the establishment of standards against which

the adequacy of knowledge to the essential truth of an object could be determined. The dualistic assumption necessitates various correspondence theories of truth, since the truth of knowledge is seen as a measure of the degree to which the object as known (knowledge) corresponds to the essential, independent truth of the object-in-itself. The philosopher who accepts the bifurcation of knowledge and truth must, in Hegel's view, invoke standards from outside (e.g. Newtonian science) in an effort to determine the correspondence between two distinct and separate entities--the "being-for-another" and "being-in-itself" of the object of consciousness.

On the basis of a "dualistic" correspondence theory, truth, or "being-in-itself", is seen as an external limit or boundary to possible knowledge. It is external because it exists outside the relationship of "being-for-another", or real knowledge of the object as it appears to consciousness (PhG. p.70; H.C.E. p.19). In turn, this approach determines the kinds of questions with which an epistemological theory must be concerned, e.g. questions about the "limits of knowledge", the "conditions necessary for knowledge", and the "relation between knowledge and being".⁴ Further, truth is the "in-itself" of the object and so the "truth of knowledge" must be "knowledge-in-itself". But the philosopher examining the truth of knowledge only sees knowledge as an object-for-another (i.e. for himself), and "...the 'in-itself' of the object resulting from (his) investigation would not be the 'in-itself' of knowledge but rather its being for (him). What (he) would affirm as its essence would not really be its truth but only (his) knowledge of it." (PhG. p.70; H.C.E. p.19).

Hegel, however, is not concerned with the traditional problem

of the truth of knowledge. The Phenomenology is intended as a study of knowledge as it appears. As we have seen, this approach embraces every way in which an object may be represented to a consciousness. Hegel argues that, since every shape of knowledge requires an object which is represented to a consciousness and since it is those various shapes of knowledge which constitute the object of the Phenomenology, the distinction between subject and object, or knowledge and being, falls within our object. That is, within each shape of knowledge, consciousness itself distinguishes two moments: one moment is "being-for-another" or its knowledge of the object; the other is "being in itself" or what it deems the truth of the object. The abstract distinction between subject and object (knowledge and truth) and the presupposition of standards for measuring their correspondence are unnecessary for us (the readers of the Phenomenology) because our object - knowledge as it appears - contains both moments within itself and effects its own distinctions without our intervention. As Dove writes: "Our object is at once and inseparably both the object-knowing subject and the object known-by-the-subject. Thus our object...contains this subject-object distinction within itself and requires no further distinction by us."⁵

Hegel then describes the way in which consciousness establishes the standards of measurement. As we have seen, consciousness distinguishes two moments within its object. Further, consciousness is capable of forming a concept of either of these moments. If it forms a concept of the object as it is for another then it possesses a concept of the object as known. If it forms a concept of the object-in-itself it possesses a concept of the object itself independent of its being known. In the first case the concept is a

concept qua knowledge in the second it is a concept qua object.⁶ The distinction between the two types of concept rests on the distinction which consciousness itself makes between the two moments of the object. Consciousness, in seeking to determine whether its knowledge of the object is true knowledge, must examine the degree of correspondence between its knowledge of the object and the object-in-itself which is the standard of truth. Therefore, if its concept is the concept of the object as known, i.e. the concept qua knowledge, it must examine the correspondence between the concept and the object-in-itself. If, on the other hand, the concept is the concept of the object-in-itself then it must examine the correspondence between the object as known and the concept, i.e. between the object and its concept. Hegel maintains the procedures for consciousness in both cases coincide, for both require a comparison of the concept with its object. As to which procedure is to be preferred, Hegel is clear and unambiguous. The selection of one over the other is a matter for consciousness itself. Both are reasonable methods and, depending on the shape of knowledge under examination, one or the other will be chosen. But it will be chosen by consciousness itself and not by the philosopher (Hegel) describing the experience of consciousness, nor by the reader present at this description (PhG.p.71-72; H.C.E. p.21).

Not only does consciousness select its own standards, but it also carries out the comparison between its knowledge of an object and the standard of truth it has selected. This is so because consciousness is conscious in a double sense; it is conscious of an object and conscious of itself knowing this object in a determinate way. "For consciousness is, on the one hand, consciousness of the object and, on the other, consciousness of its self; it is consciousness of what to

it is the true, and consciousness of its knowledge of this truth."⁷ Since both the knowledge of the object and the standard of truth are for consciousness their comparison is "a matter for consciousness itself" (PhG. p. 72; H.C.E. p.21). Although the observer (the reader) of this comparison may declare that the standard of truth is for consciousness and therefore the elevation by consciousness of this standard to the level of the "in-itself" is a sham, this is an irrelevant consideration. Such "intervention" neglects the putatively undeniable fact that to consciousness the "being-in-itself" and the "being-for-another" of the object are distinguished. The "being-in-itself" of an object is the concept of objectivity which structures consciousness' idea of what an object, conceived in universal terms, is; the "being-for-another" of an object is the representation of an actual object to a consciousness which knows the object. "It is upon this differentiation, which exists and is present at hand, that the examination is grounded" (PhG. p. 72; H.C.E. p.22).

The examination consists in establishing a correspondence between knowledge and truth; if such correspondence is found lacking, consciousness must alter its concept of knowledge in an effort to establish this correspondence. The alteration of the concept of knowledge, however, is nothing other than an alteration in the "being-for-another" of the object, and an alteration in the "being-for-another" of the object involves an alteration in the concept of the object itself. But if the concept of the object of consciousness is altered the concept of the object "in-itself" must also be reexamined; and this reexamination may produce a change in the standard of truth which, as we have seen, is based on consciousness' concept of the object "in-itself". Thus an alteration in the concept of knowledge of an object

ultimately requires a change in the concept of the object "in-itself" and in the standard of truth (Ph.G. p.72; H.C.E. p. 22-23). The same procedure, but in reverse, occurs when consciousness begins with the concept of the object.

This complex movement is best understood if we examine Hegel's concept of experience. Hegel writes: "This dialectical movement, which consciousness exercises on its self--on its knowledge as well as its object--is, in so far as the new, true object emerges to consciousness as the result of it, precisely that which is called experience (Ph.G. p.73; H.C.E. p. 23). Experience refers to a concrete activity which may be analysed into its distinct but inseparable elements. These elements may, in turn, be described differently depending upon which aspect of experience we wish to emphasize. In the broadest possible terms, experience involves the "experiencing" and "what is experienced",⁸ or the experiencing "subject" and the "object" which is experienced. These elements are inseparable because, within the concrete whole of experience they are seen to be mutually interdependent. Except at the most abstract level it is impossible to consider one side without considering the other.

This interdependence may be explicated by referring to the examination above of the basic elements of knowledge. There it was shown that in every shape of knowledge an object is represented to a subject and that the specific mode of representation determines the specific shape of knowledge. The shapes of knowledge are as diverse as the possible modes of representation and include not only cognitive activities such as perception and scientific understanding but also conative ones such as morality. Within each shape the three basic elements--subject, object and mode of representation--are distinct but

inseparable moments of one concrete whole--the activity of knowledge.⁹

It is this "activity of knowledge" which Hegel calls experience. At first glance this appears to be an overly technical and restrictive use of the term. On closer examination, however, Hegel's characterization of experience is seen to stand in a determinate relation to the "common-sense" view of experience. This latter view maintains that experience arises out of man's conscious "being-in-the-world". The "world" consists of nature, human institutions, other men, and the individual subject. These factors create conditions and states of affairs, both physical and mental, to which the individual is consciously subject. Further, the individual's knowledge of the world is seen to be informed throughout by this "subjectness". We should, however, avoid the belief that the commonsense view implies a purely mechanistic description of the relation between world, experience and knowledge. It is also a feature of this view that the knowledge gained from experience allows man the freedom to strike out in entirely new directions, to create new possibilities of experience and knowledge.

What is the connection between this view of experience and that advanced by Hegel? The answer rests upon the use of the term "conscious" to describe the subject of experience. It is clear that within the common-sense notion of experience an object is represented to a conscious subject. To the unphilosophical mind the very "givenness" of this situation is such that it distinguishes between this mode of representation (experience) and another, higher mode (knowledge). The philosopher, however, recognizes throughout the three elements basic to the activity of knowledge and any distinction between the different modes must fall within knowledge and not between knowledge and another kind of conscious activity (experience). In the Phenomenology Hegel has set himself the

task of examining knowledge as it appears and this requires the examination of every mode of representation of an object to a conscious subject. It is for this reason that he collapses the common-sense distinction between knowledge and experience; he is now free to investigate the widest possible areas of human experience--including political and social forms--in his investigation of claims to true knowledge.

We have now described in general that which Hegel wishes to examine in the Phenomenology. We must now direct our attention to the manner in which this examination is carried out. Each mode of representation denotes a specific shape of consciousness--a determinate way of knowing. Several factors, as we have seen, are involved in the claim that an object is known. Determinate knowledge requires that those factors themselves be determined in specific ways. If, for example, the claim is advanced that true knowledge consists in the immediate certainty of sensual apprehension, then necessarily this involves further statements about concepts of "object-hood", of "subject-hood", and of the way in which objects must be represented to subjects (consciousness) if they are to be known truly. In the example of sense certainty objects must be viewed as repositories of sense-data and the human mind must be seen to know most truly when its "knowledge" is immediate and uncontaminated by mediating categories of thought. Similarly, other determinate shapes of consciousness, such as perception or scientific observation, involve similarly determinate claims about the basic elements involved in the activity of knowledge.

To the unphilosophical consciousness these determinate claims are only implicit. Its knowledge of the world appears "natural" and it never seriously examines the claims which underlie its knowledge of the world. It is the task of the philosopher to raise that which is merely

implicit to the level of explicit philosophical principle. In so doing the philosopher attempts to put forward a systematic, coherent view of true knowledge. It is Hegel's contention that, at the time of writing the Phenomenology, every possible shape of consciousness--every possible mode of representation--had appeared and could be expressed in philosophical terms. His examination of each shape of consciousness consists in examining the most sophisticated coherent statement of its philosophical principles. In many cases, the statements had been formulated by philosophical advocates of the shape involved; in other cases Hegel himself elucidates the principles underlying shapes which had not received coherent philosophical description and justification.

This is the meaning of Hegel's statement that consciousness invokes its own standards and carries out its own examination of those standards . The standards are those principles which the philosopher makes explicit. The examination of those standards proceeds in the following manner: Hegel demands of each systematic treatment of knowledge that it apply its own standards of truth rigorously in support of the claim that it represents true knowledge. Further, the claim of true knowledge must be taken seriously for it is not permissible to advocate something as true and then to back off from this claim by stating that it is only partly true, or that it is true in some cases and false in others. Hegel's procedure in the Phenomenology is to state the various systematic claims which have been advanced and then show how each breaks down internally as a result of its principles of knowledge being unable to maintain its claims to truth. In sense-certainty, for example, the claim to truth is shown to reduce, on its own principles, to a radically incomplete and incoherent "truth" or

else to a silent solipsism. But a claim to universal truth which rests on solipsism is also incoherent and so the claims of sense-certainty must be abandoned in favour of a more complete and coherent view. In a similar way, every abandoned shape of consciousness is abandoned because the principles which underlie it are insufficient for the maintenance of the original claims to truth.

It is not difficult to grasp the sense in which the standards of the examination are invoked by consciousness itself. It is far more difficult to understand how Hegel can claim that consciousness itself conducts the examination. This difficulty is magnified when we see that the various shapes of consciousness are arranged in a determinate and intricate structure. Indeed, Hegel writes: "The complete system of the forms of unreal consciousness will present itself through the necessity of the progression and inter-relatedness of the forms" (PhG. p.47; H.C.E. p. 15). This "complete system" is determinately ordered and yet it is not an order which is grasped by the consciousness whose experience is under examination. "This way of observing the subject matter is our contribution; it does not exist for the consciousness which we observe. But when viewed in this way the sequence of experiences constituted by consciousness is raised to the level of a scientific progression" (PhG. p.74; H.C.E. p.24).

The question we must answer is to what extent this "contribution" interferes with the actual examination of knowledge "as it appears"? Does consciousness really carry out its own examination or is this a charade which obfuscates Hegel's actual procedure? This is one of the central problems of the Phenomenology and any reader who wishes to understand the book must eventually confront this complex issue. Any answer put forward will directly influence not only the reading of the Phenomenology but, indeed, all of Hegel's works. However, I wish to

confine my discussion to the relatively narrow methodological concerns at hand.¹⁰ My justification for this restriction of the issues is that I am primarily concerned with providing an introduction to the reading of the Philosophy of Right and a discussion of the wider implications of Hegel's method for the Phenomenology is unnecessary for that task.

As we have seen the standards of each shape of consciousness are actually made explicit by the philosopher and not by "natural" consciousness. Further, there is no necessary contradiction between this and the claim, by Hegel, that the standards are those of the consciousness itself which is being observed. The support for this claim rests on the critical determination whether Hegel is representing truly the various standards which have been advanced or is perverting them to suit his own end. The examination of each shape consists in determining whether the claims advanced for knowledge can support the claim to truth. If there is no correspondence between knowledge and truth within the shape then it must be abandoned as incomplete. The actual examination is described by Hegel and, as in the situation involving the explicit standards, his claim that the examination is consciousness' own must be determined a posteriori. That is, if Hegel remains strictly within the bounds outlined by the philosophical explication of the principles structuring determinate shapes of knowledge and, within them discovers irreconcilable contradictions, his claim is maintained. In following through the standards of each shape to their logical conclusion he is only doing what consciousness would do if it were fully self-critical. There are no grounds for deciding a priori that an accurate representation of the standards and the subsequent internal critique are impossible. If this claim can, a posteriori, be maintained then it is in this sense that both the

standards and their examination may be said to be consciousness' own.

While Hegel's claim of non-interference may not be overly problematic within each shape of consciousness the claim is most doubtful when we discover that the sequence of shapes exhibits an ordered, determinate structure. This structure exists "for us, as it were, behind (consciousness') back" (PhG. p.74; H.C.E. p.26).

The answer to this question provides us with a new insight into Hegel's real project in the *Phenomenology*. Throughout the discussion so far the problem has always been whether or not consciousness could establish a correspondence between knowledge and truth, the "being-for-another" of an object and its "being-in-itself". This procedure requires philosophical principles which are reflected throughout the entire activity of knowledge. They explicitly set out both the limitations to and the definition of all possible knowledge. This in turn involves statements about the concepts of both subjects and objects conceived in universal terms. Within any one shape of consciousness the attempt to establish correspondence between knowledge and truth is grounded upon a philosophical system of principles which structures this activity.

As we have seen, a claim of true knowledge must be unqualified, and so any philosophical system of principles which makes this claim must demonstrate that it is the whole and complete truth. To illustrate this, let us look at Hegel's treatment of perception. After an exhaustive examination we see that the percipient is unable to resolve the contradiction between the unicity of the thing and the multiplicity of its properties. The only way out of the impasse is to adopt the new view that the object is a nexus of causal relations. But this resolution requires the interaction of subject and object (cognitive

reflexivity) and this contradicts the basic principles of perception. Therefore, the principles themselves must be reformulated and this creates a new shape of consciousness. It is clear that the principles of perception are incomplete with respect to the true nature of the object and so, in quest of completeness, consciousness alters its principles. A new conception of the object, of the subject and of the proper mode of representation has arisen. But there is another, more profound sense in which perception is incomplete. It is incomplete because it is unable to account for itself as a philosophical system.

What does it mean to describe perception as incomplete in this sense? A fundamental principle of perception is that true knowledge consists in the passive apprehension of an object by the conscious subject. But on what is this principle grounded? Since perception is discovered to be an incomplete account of knowledge it is clear that this principle must also be incomplete. However, if perception were able to demonstrate conclusively that this principle is complete and absolute, not only would the principle remain intact but also the perceptual knowledge of an object based upon this principle would be complete and true. Natural consciousness and, indeed, the incomplete philosophical consciousness views incompleteness solely with respect to the object which remains unknowable. But it is also clear that, when a shape of consciousness breaks down, the presupposed principles underlying that shape are incomplete with respect to themselves, i.e. with respect to accounting for themselves as philosophical principles.

What are the implications of this distinction between two types of incompleteness for the interpretation of Hegel? First of all, it indicates concretely Hegel's notion of completeness. Completeness

is not merely the complete knowledge of an object under scrutiny but, more importantly, the complete knowledge of knowledge itself, including a complete philosophical account of the most basic principles underlying the system.¹¹ This, in turn, allows for the possibility of different kinds of knowledge. For example, Kant set out to provide the epistemological foundations for modern natural science. However, he ultimately attempted to provide a complete account of the entirety of human knowledge. This project resulted in the bifurcation of the phenomenal and noumenal realms, the transcendental deduction of the categories, the assignment of spatio-temporal concepts to human subjectivity, the moral law, and so forth. Fichte was the first to attempt to go beyond Kant with his deduction of the object from the ego, thereby attempting to overcome the Kantian "thing-in-itself". Schelling, in turn, attempted to establish, via aesthetic intuition, an objective identity of thought and being in contradistinction to what he perceived to be the dualism of Kant and Fichte. Fichte and Schelling indicated, each in his own way, the lapses in Kant's system which prevented it from being a complete account both of itself and of its objects. Kant's failure, however, was not in attempting to ground modern science but rather in trying to force this into a complete view of all possible knowledge. Despite this, however, it is possible that Kant did provide a correct foundation for modern science. The emphasis is on correct rather than complete. That is, it is possible to distinguish scientific knowledge from, say, sociological knowledge on the basis of their different objects--nature and society--and the kind of knowledge appropriate to each. Kant, therefore, may have provided the correct epistemological foundation for scientific knowledge, but his philosophy is incomplete as a universal epistemology

because it is incapable of being universalized to include within it all knowledge, or of locating scientific knowledge properly within the total hierarchy of knowledge. Hegel argues that this failure, in turn, can be traced to the inability of Kant to provide an absolutely complete and coherent account of the philosophical principles of his system. (Hegel, of course, would argue that Kant's system cannot be complete in the latter sense, since it is inadequate.) On analogy with this example, there are several shapes of consciousness which may be correct with respect to their specific objects but are rejected because they claim completeness and cannot sustain this claim against criticism.

This distinction is most important if we are to understand what Hegel means by "Absolute Knowledge". It is this final stage of the Phenomenology which has probably generated more controversy and hostility among the readers of Hegel than any other passage from his works. The road to Absolute Knowledge passes through the entire spectrum of shapes of consciousness, each one of which is found to be inadequate. Therefore, the reader awaits the passage on Absolute Knowledge in the expectation of discovering therein the true view of nature, of man, morality, political life, and so forth. None of this, at least in the expected form, is to be found. Critics of Hegel are not at all surprised by this for they regard as hubristic even the attempt at such a feat. Equally disconcerting are those Hegelians who claim, with almost mystical reverence, that Hegel accomplishes this absolute union of all forms of knowledge. Such a view requires that the absolutely wise man know everything and this is at best very difficult to accept.

The mistake common to all these readers is the inability to

make the distinction between a knowledge of the object and the knowledge which knows itself. The absolute knowledge described in the Phenomenology is the knowledge of a consciousness which knows itself absolutely; i.e. can offer a complete and coherent account of itself as knowledge. This account is nothing other than the Phenomenology of Spirit. In each shape consciousness attempts to discover the true knowledge of an object. It is this pursuit which generates the variety of shapes. But consciousness, unknown to itself, also requires an absolute knowledge of itself in the form of a complete account of itself. As pointed out in the example of Kant, there are several points in the Phenomenology where consciousness discovers the correct form of knowledge appropriate to a particular type of object. Its failure, in every case, is that it attempts to universalize this restricted form to include all possible knowledge. Absolute knowledge is the knowledge by consciousness of this entire movement as its own movement towards completion. It grasps the double necessity of discovering the true knowledge of the various objects as well as the true knowledge of itself. It knows the correctness of various shapes and is able to provide them with an absolute foundation within the hierarchical structure of complete knowledge. The coherence of absolute knowledge is the coherence of a movement which is its own becoming.¹²

This movement, which Hegel terms experience, exhibits a dialectical structure. As we have seen, Hegel views the Phenomenology as a scientific account of the entire structure of knowledge. This structure begins with the simplest, most abstract shape of consciousness--sense certainty--and culminates in the most concrete and and complex shape. It is possible to regard this movement from simple

to complex, from the abstract to the concrete, as systematic in itself. But to say this is to say that Hegel arranged the shapes of consciousness according to a pre-determined logic, a logic which is external to the shapes themselves. This is often a charge made against Hegel and it rests, I believe, on a misunderstanding of the concept of dialectic. Rather than engage in lengthy debate about what the dialectic is not, I would rather indicate briefly what it is.¹³

The nature of dialectic is most easily grasped in contrast to what Hegel terms the logic of the understanding. "Thought, as understanding, sticks to fixity of characters and their distinctness from one another: every such limited abstract it treats as having a subsistence and being of its own." (Enc. No. 80) The understanding operates within the sphere of finitude; the most common example of its deployment is in the analytic method of the empirical sciences. Its primary principle is the logical law of identity. The understanding seeks to apprehend objects in their distinct and separate specificity. In the natural sciences, for example, the understanding distinguishes and classifies the objects of the natural world according to their specific natures and characteristics. The stability of this procedure depends upon the self-identity of each of these objects for, if such identity did not exist, the objects could not be held apart from each other and attempts at classification would become chaotic. The theoretical import of the understanding extends in Hegel's view, to other fields as well, such as geometry and jurisprudence. The understanding is also indispensable to practical activity. We pursue definite ends and, in order not to be deflected from these, we must necessarily exclude other possible concerns, at least in a limited sense. Hegel cites the example of the judge who must stick to the

law and not be subject to external pressures. The logic of the understanding is of inestimable merit to philosophy which "never can get on without the understanding". The merit lies "in the fact, that apart from the understanding there is no fixity or accuracy in the region either of theory or of practice". (Enc. No. 80, Remark)

Thought as understanding is therefore extremely valuable in those areas where its logic holds good. The deficiencies of this mode of thought become apparent only when it seeks to expand itself into the methodology of philosophical science. Hegel criticizes philosophers such as Spinoza, who attempted to apply the geometric method to the problems of philosophy, for failing to grasp the essential limitedness of this logic. "Hitherto philosophy had not found its method; it regarded with envy the systematic structure of mathematics and...borrowed it or had recourse to the method of sciences which are only amalgams of given material, empirical propositions and thoughts - or even resorted to a crude rejection of all method." (Log. p. 53) This underlines the point made above that, in the Phenomenology, there are shapes of knowledge which may be correct within a limited sphere but become false when expanded to include the entire structure of knowledge. In opposition to these misguided attempts, Hegel puts forward what he believes to be the true method of philosophy, which is "the consciousness of the form of the inner self-movement of the content of logic". (Log. p. 53) He continues by stating that "in the Phenomenology of Spirit I have expounded an example of this method in application to a more concrete object, namely to consciousness", to which is appended the note "and subsequently to other concrete objects and corresponding departments of philosophy". (Log. p. 53-54) The "form" of self-movement is nothing other than the dialectic. The proper "method" of philosophy consists in the recognition of the dialectical movement of knowledge

and truth. Thus Hegel does not impose a dialectical method but rather attempts to give a descriptive account of a movement which is itself dialectical.¹⁴ Hegel gives the following succinct statement of the proper method of philosophical science:

"All that is necessary to achieve scientific progress - and it is essential to strive to gain this quite simple insight - is the recognition of the logical principle that the negative is just as much positive, or that what is self-contradictory does not resolve itself into a nullity, into abstract nothingness, but essentially only into the negation of its particular content, in other words, that such a negation is not all and every negation but the negation of a specific subject matter which resolves itself, and consequently is a specific negation, and therefore the result essentially contains that from which it results; which strictly speaking is a tautology, for otherwise it would be an immediacy, not a result. Because the result, the negation, is a specific negation it has a content. It is a fresh notion but higher and richer than its predecessor; for it is richer by the negation or opposite of the latter, therefore contains it, but also something more, and is the unity of itself and its opposite. It is in this way that the system of Concepts as such has to be formed - and has to complete itself in a purely continuous course in which nothing extraneous is introduced... it is the inwardness of the content, the dialectic which it possesses within itself, which is the mainspring of its advance. It is clear that no expositions can be accepted as scientifically valid which do not pursue the course of this method and do not conform to its simple rhythm, for this is the course of the subject matter itself." (Log. p. 54)

Before discussing the implications of this method for the Phenomenology we can further illuminate the method itself by employing several terms borrowed from traditional logic. The logic of the understanding was seen to depend upon the principle of identity. Following from this principle are two other principles which are fundamental tenets of this logic; the principle of contradiction which asserts that no proposition can be both true and false, and the principle of the excluded middle which asserts that of two contradictory propositions

one or the other must be true since they cannot both be false. To understand the last two principles we must define a contradiction. A contradiction exists when two propositions which are contradictories are brought together. Two propositions are said to be contradictories if both cannot be true and both cannot be false. One of the two must be wholly true and the other wholly false. For example, the statement that Hegel is over six feet tall is contradicted by the statement that Hegel is not over six feet tall. Neither statement can be both true and false and yet one must be true and the other false. There are no alternatives.

We recall that in the example of perception a contradiction arose between two sets of opposed claims (or propositions). There seemed no way out of the impasse within the principles of perception and so consciousness was forced on to another level, another shape. Hegel wishes to argue that this new shape - "Force and Understanding" - arises out of the contradiction of "perception" and resolves it. Further, he claims that the two contradictories are preserved in a non-contradictory way within the new shape, i.e. are synthesized in some way. This is clearly at odds with the formal principles described above, for those principles clearly and unambiguously assert the impossibility of uniting two contradictories. Are we faced with an irreconcilable contradiction between the basic principles of formal logic and those of Hegel's system?

The way out of this problem is to introduce the notion of propositions as contraries.¹⁵ Two propositions are said to be contraries if they cannot both be true but may both be false. For example, Hegel is over six feet tall and Hegel is under six feet tall cannot both be true and yet, if Hegel is exactly six feet tall,

may both be false. Therefore, if we view the apparently contradictory propositions of "perception" as contrary propositions, a resolution of the "contradiction" is possible. The resolution may now be seen to arise out of the preceding contraries. Both statements may be false and, through the determination of the nature of this falsity, new propositions may emerge.

The resolution, however, does not obliterate that which proceeded it. The resolution is a negation of the contrariety of the previous propositions and, as such, is a determinate negation. It is determinate because its specific form and content are determined by the form and content of the preceding contrary propositions. We can recapitulate the movement so far in the following way: specific claims to truth are advanced in support of a specific shape of consciousness. The experience constituted by this shape reveals problems and this results in contradictory propositions being advanced about the object of knowledge. The contradictory propositions are only apparently contradictory and, in time, are revealed to be contrary propositions. A resolution of the "contradiction" within a shape of consciousness is effected and a new shape of consciousness makes its appearance.

The resolution by determinate negation of contrary propositions defines the process which Hegel terms aufheben, most often translated into English as "sublation". In its literal German sense, aufheben brings together in one term the three distinct operations of cancellation, preservation and raising to a higher level of prior propositions. We have seen how the notion of contrariety allows for "cancellation" without violation of the formal law of contradiction. But Hegel also claims that the resolution represents a "unity of opposites" i.e. a moment of "preservation". This is more difficult

to grasp than "cancellation" since, if both propositions are rejected as false, then in what sense may they be said to be "preserved"? The most obvious answer is that they are preserved as pure negative presence, i.e. as two propositions whose very absence is significant for the new shape of consciousness. But this is unsatisfactory for the same could be true of any proposition which is excluded from a set of propositions deemed to be true. Indeed, Hegel, contrasting the concept of a dialectic of experience with the common-sense notion writes that, according to the latter "it seems that we somehow discover another object in a manner quite accidental and extraneous and that we experience in it the untruth of our first concept" (PhG. p. 73; H.C.E. p. 24). Although the situation is slightly different from the moment of cancellation of contraries, nonetheless there is nothing in this common-sense notion which necessarily excludes the "preservation" of falsity in the form of negative presence.

Although the concept of "negative presence" has some validity for the notion of preservation it is insufficient to justify the importance of this moment. The more complete notion of preservation may be illuminated by examining one more notion from formal logic - the notion of subcontraries. Propositions are said to be subcontraries if they cannot both be false but may both be true. The following example will illustrate the difference between contraries and sub-contraries.¹⁶ The two propositions "everything in Hegel's philosophy is true" and "everything in Hegel's philosophy is false" are contrary propositions, i.e. both cannot be true but both may be false. The two propositions "some things in Hegel's philosophy are true" and "some things in Hegel's philosophy are not true" are subcontrary propositions, i.e. both cannot be false but both may be true. The difference between the two types of proposition is that, while both differ as to quality, contraries

involve universals while subcontraries involve particulars. If we apply this distinction to the dialectic of experience we get the following result: The falsification of contrary propositions creates the possibility of resolution, and the propositions are preserved as a "negative presence". But the dialectic is a dialectic of experience, occurring in and through time, and in the course of experience those particulars within each universal proposition which are true are identified and preserved within the new shape of consciousness. Whereas the notion of contraries creates the possibility of resolution of an apparent "contradiction", the notion of subcontraries creates the possibility of synthesis, i.e. the discovery of the "unity of opposites".

Disregard for this distinction within the moment of preservation can have serious consequences for the understanding of Hegel. The distinction made earlier between correct and complete forms of knowledge rests on the distinction between positive and negative presence in the moment of "preservation". On the negative side, the claim advanced on behalf of each shape as complete knowledge is preserved as a memory of error. On the positive side, however, the correctness of each shape within a limited sphere is preserved and the concept of absolute knowledge as the absolute knowledge of the structure and genesis of a differentiated system of knowledge is made coherent.

In the Phenomenology of Spirit consciousness seeks to discover the truth of the object as well as the form of true knowledge. There is therefore, a double movement. The distinction between "correct" and "complete" knowledge illuminates both the dynamic of this movement and the nature of absolute knowledge. It is of

paramount importance that we understand that Hegel intended his discussion of dialectic to be a description of the real movement of the content and not of a method applied externally to this content. In the Phenomenology "we are dealing with forms of consciousness each of which in realizing itself at the same time resolves itself, has for its result its own negation - and so passes into a higher form (Log. p.54). This movement of consciousness is the object of the Phenomenology. The movement may be described as the development, by consciousness, of a complete form of knowledge in and through the succession of incomplete forms. Complete knowledge, for Hegel, must be absolute and infinite. It is infinite in contrast to all the finite forms which preceded it. To be finite is to be bounded by an other which is external and imposes a limit. "The finite therefore subsists in reference to its other, which is the negation and presents itself as its limit"(Enc. No. 28). Every sublated shape of consciousness is sublated precisely because it is finite and, therefore, incomplete. There always exists an "other" which it cannot account for philosophically.

Infinity, for Hegel, has a very precise meaning. It must be distinguished from that false notion which views infinity as some "beyond" which exists at the end of a series. To be finite is to be limited by an external other; to be infinite is to be related to an other which is not external and thus does not impose an external limit. The only object, Hegel argues, which is not external to thought is thought itself. "Thought, as thought, therefore in its unmixed nature involves no limits; it is finite only when it keeps to limited categories, which it believes to be ultimate. Infinite or speculative thought, on the contrary, while it no less defines, does in the very act of limiting and defining make that defect vanish"

(Enc. No. 28).

Absolute knowledge is infinite in this sense. It has as its object the entire structure of knowledge. In grasping the dialectic of experience it knows its own becoming, and it knows this as a real movement. It is real because knowledge itself seeks to overcome its own finitude. Therefore, it is forced out of every incomplete shape because of its own real necessity. "When we look more closely, we find that the limitations of the finite do not merely come from without; that its own nature is the cause of its abrogation, and that by its own act it passes into its counterpart" (Enc. No. 81, Remark). In the same section Hegel writes; "We are aware that everything finite, instead of being stable and ultimate, is rather changeable and transient; and this is exactly what we mean by that dialectic of the finite, by which the finite, as implicit other than what it is, is forced beyond its own immediate or natural being to turn suddenly into its opposite." We recall that natural consciousness distinguishes between the being-in-itself (truth) and the being-for-another (knowledge) of the object, and that true knowledge consists in the establishment of their correspondence. But the very term "being-for-another" indicates the finitude of these objects, and of the modes of knowledge which seek the truth in an "other" which is external.

This distinction between the "in-itself" and the "for-another" may also be viewed as the distinction between essence and existence, or phenomenal appearance, and is appropriate to knowledge itself. Thus knowledge is held to have an essence, a truth, a being-in-itself which, if discovered, will reveal the nature of true knowledge. On the other side, knowledge is also seen to have an

existence, a being in the world in the form of its various phenomenal shapes. The truth of knowledge is revealed when its essence is identical to its existence, i.e. when a phenomenal shape of knowledge emerges which is identical to the essence of knowledge. But this is precisely what Hegel claims for absolute knowledge. Absolute knowledge is that shape of consciousness which has as its object the truth of knowledge, i.e. it marks the identity of the essence and existence of knowledge. Unlike incomplete shapes of consciousness absolute knowledge is not directed towards something external. The "other" of absolute knowledge is knowledge itself and, therefore, the "being-for-another" of this object (knowledge) is actually a "being-for-itself". Absolute knowledge may thus be described as the "being-in-and-for-itself" of knowledge, i.e. the identity between the essence and existence of knowledge. The essence of knowledge is infinite self-knowledge. This essence is given existence via the entire phenomenological development of consciousness which culminates in absolute knowledge. This development is now seen to be a self-development, by consciousness itself. Knowledge reveals itself discursively and this discursive revelation is its own activity, its own "coming-to-be". Hegel concludes his introduction to the Phenomenology with the following paragraph:

"The experience which consciousness makes of itself can, according to the Concept of experience, comprehend in itself nothing less than the whole system of consciousness or the whole realm of the truth of Spirit. The Concept of experience thus entails that the moments of truth present themselves, not as abstract, pure moments, but in the peculiar determinateness of being as they are for consciousness, or as this consciousness itself appears in its relationship to them. Presenting themselves in this way, the moments of the whole are shapes of consciousness. And in driving itself towards its true existence, consciousness will reach a point at which it casts

off the semblance of being burdened by something alien to it, something which is only for it and which exists as an other. In other words at that point where its appearance becomes equal to its essence, consciousness' presentation of itself will therefore converge with this very same point in the authentic science of Spirit. And, finally, when consciousness itself grasps this its essence, it will indicate the nature of absolute knowledge itself." (PhG. p. 74-75; H.C.E. p. 26)

FOOTNOTES TO CHAPTER I

1. Charles Taylor, "The Opening Argument of the Phenomenology", Hegel: a collection of critical essays, ed. Alasdair McIntyre, (Garden City, 1972), p. 156.
2. It should be pointed out that Taylor employs this argument for slightly different purposes than I. I wish to limit it to a discussion of how it is possible to embark on a phenomenological description, i.e. to avoid the pitfalls posed by the adoption of arbitrary presuppositions.
3. H.C.E., p. 55-56. Hegel's use of the concept "shape" (Gestalt) of knowledge (or consciousness) is perplexing. The Phenomenology is the only work where he uses the term extensively. We should remember, however, that by "knowledge" he is referring to the mode of activity of a conscious subject who knows". Those modes of activity represent, as we shall see, different types of experience. The use of the concept of "shapes" of experience is less perplexing than shapes of knowledge. Indeed, Hegel anticipates certain themes in modern psychology.
4. For an excellent idealist critique of the correspondence theory of truth, see H.H. Joachim, The Nature of Truth, (London, 1939), pp. 7-30.
5. Kenley Royce Dove, "Hegel's Phenomenological Method", New Studies in Hegel's Philosophy, ed. W. E. Steinkraus (New York, 1971), p.37.
6. C.f. ibid., p. 38.
7. PhG. p. 72. H.C.E., p. 21. This "consciousness of self" must not be confused with "self-consciousness" as the second determinate phase of the Phenomenology of Spirit. C.f. Dove, op.cit., p.39, n.10.

8. cf. Michael Oakeshott, Experience and its Modes, (Cambridge, 1966), pp. 9-11.
9. It should be noted that various claims have been advanced on behalf of shapes of knowledge which are 'immediate', i.e. in which a specific mode of representation which mediates the relation of subject and object is absent. The two most common examples are 'sense-certainty' (Sinnliche Gewissheit) and 'intuition' (Anschauung). The former is commonly described as 'pre-thought' while the latter is regarded as 'beyond-thought'. Hegel's arguments dismissing the claims of sense-certainty are found in the first chapter of the Phenomenology while his arguments against intuition are most evident in his various polemics against Schelling. Oakeshott also argues forcefully against the immediacy of both shapes. cf. Oakeshott, op.cit. pp.11-26.
10. For a helpful survey of the prevailing opinions on this issue see Dove, op.cit. pp.44-56. In general I agree with the view advanced by Dove.
11. For a discussion of this point and its relation to formal logic see Stanley Rosen, G.W.F. Hegel: An Introduction to the Science of Wisdom, (New Haven, 1974), pp.36-43.
12. The coherence of Hegel's absolute knowledge must be distinguished from the coherency theory of truth as advanced by modern idealists such as Joachim, op.cit. and Brand Blanshard, The Nature of Thought, (London, 1939). See especially Blanshard's statement of the theory in Vol. 2, chapters 15-17. In arguing for coherency as the nature of truth the theory fails to distinguish between the various kinds of knowledge. The position thus reduces to a form of subjective idealism which fails to distinguish between different kinds of

- object. The coherency of absolute knowledge, on the other hand, is the coherency of the differentiated structure of knowledge.
13. There are several studies which attempt to clear up the many confusions surrounding this topic. The following are among the ones I have found most useful: Kenley Royce Dove, op.cit.; Alexandre Kojève, Introduction to the Reading of Hegel, (New York, 1969), pp. 169-261; Eric Weil, "The Hegelian Dialectic", Marquette Hegel Symposium, (The Hague, 1973), N. Hartmann, "Hegel et le Problème de la Dialectique du Réel", Revue de la Métaphysique et de Morale, Vol. 38, (Paris, 1931).
14. Although it is beyond the scope of this study I would argue that this descriptive method is most true of the Phenomenology and the Philosophy of Right. In the Science of Logic and the Encyclopaedia it is not possible to point to a 'consciousness' whose experience is dialectical and proceeds unaided by external manipulations of the philosopher. On this point see Hartmann, op.cit.
15. This discussion is suggested by an article by Michael Kosok, "The Formalisation of Hegel's Dialectical Logic", Hegel: A Collection of Critical Essays, ed. Alasdair MacIntyre, (Garden City, 1972), esp. pp.254-255. I disagree, however, with Kosok's transformation of positive contraries into negative sub-contraries. The former are universal statements which differ in quality, while the latter are particular statements which differ in quality. There is no simple logical operation such as negation which transforms universals into particulars. The transformation must result from experience, i.e. through the temporal discovery of what is true and what is false in each statement.
16. See H.W.B. Joseph, An Introduction to Logic, 2nd rev. ed., (Oxford, 1950), pp.228-231.

CHAPTER TWO

THE SYSTEM OF PHILOSOPHY

Hegel's mature political thought is contained in the Philosophy of Right, published in 1821. The Philosophy of Right expands and elucidates the concepts outlined in that part of the Philosophy of Mind which Hegel terms "Objective Mind". Within the Philosophy of Mind Objective Mind is preceded by a section titled "Subjective Mind" and succeeded by a section titled "Absolute Mind". The Philosophy of Mind is the third section of Hegel's Encyclopaedia of the Philosophical Sciences, of which the first two parts are the Logic and the Philosophy of Nature. The Encyclopaedia was intended as a complete account of the entire system of philosophy. Three different editions were published in Hegel's lifetime, in 1817, 1827 and 1830. The second edition was almost twice as large as the first while the third was only slightly larger than the second.¹ In each of the later editions Hegel attempted to expand the scope and content of his system without sacrificing the coherency of the principle upon which the entire edifice of philosophical knowledge was constructed.² The concept of an encyclopaedic system of philosophy is exceedingly difficult. We can clarify the concept, however, through a consideration of some of the main points established by Hegel in the Phenomenology of Spirit.

The Phenomenology assumes from the outset the opposition of "subject" and "object". It examines the different modes of representation of an object to a subject as they appear within a systematic development towards "Absolute Knowledge". Throughout there is a double movement; the explicit struggle to establish a correspondence

between knowledge and the concept of the object in-itself and the implicit struggle to establish a complete and coherent view of a knowledge which knows itself. The two movements are brought together in absolute knowledge, wherein the original subject-object bifurcation is overcome and is replaced by true knowledge of the whole. The distinction between subject and object is comprehended within the totality of absolute knowledge. This point is described by Alexandre Kojève as follows:

"Philosophy is not only a truth or a true description; it is rather, or should be, a description of the True. Now if Truth (Wahrheit) is the correct and complete "revelation" (= description) of Being and of the Real through coherent Discourse (Logos), the True (das Wahre) is Being-revealed-through-discourse-in-its-reality. It is not enough therefore for the philosopher to describe Being; he must also describe revealed-Being [l'être-révé] and [must] give an account of the fact of the revelation of Being through Discourse. The philosopher must describe the totality of what is and exists. Now in fact this totality implies Discourse and in particular philosophical discourse. The philosopher therefore is concerned not only with static-[and] given-Being (Sein) or with Substance, which is the Object of Discourse, but with the Subject of Discourse and of philosophy. It is not enough for him to speak of Being that is given to him; he must also speak of himself and [must] explain himself to himself insofar as [he is] speaking of Being and of himself."³

The Phenomenology is the record of the development to absolute knowledge, to a knowledge of the True (Wahre) "not [only] as Substance but just as much as subject" (PhG. p.19; PhM. p. 80). This knowledge must be shown to appear as the completion of the quest for true knowledge. The Phenomenology is the systematic reconstruction of the experience of incomplete forms of knowledge. The truth of absolute knowledge can only be established in this way; any other method would appear arbitrary, i.e. incapable of a complete self-account (Log. p.48-49). The phenomenological coming-to-be of absolute knowledge is thus

a necessary introduction to the complete science of philosophical knowledge. It establishes the infinity and freedom of absolute knowledge. It demonstrates that philosophical knowledge consists of nothing less than a true knowledge of the whole, an "adaequatio intellectus et res", developed into a universal whole, each part of which consists of a ratio of ratios, analysable downward in its rational necessity to the least meaningful linking-together of the basic parts of speech".⁴

The "universal whole" is the system of philosophical sciences, and it is articulated by Hegel in the form of an Encyclopaedia of the Philosophical Sciences. The Encyclopaedia begins with "Free Mind", with Mind which has overcome all the oppositions which marked the progress of the Phenomenology. "Thus pure science presupposes liberation from the opposition of consciousness. It contains thought in so far as this is just as much the object in its own self, or the object in its own self in so far as it is equally pure thought" (Log. P. 49). That is, the absolute separation of subject (thought) and object, which was presupposed in the Phenomenology, has, as described in that work, been overcome, and the Encyclopaedia assumes this from the outset. Therefore, in the Encyclopaedia, the discussion of any object is necessarily a discussion of the thought of that object, and discussion of any categories of thought is necessarily a discussion of the categories as objective.

The first part of the Encyclopaedia is the Logic. Logic is the study of the development of the Idea, or development of the completed system of philosophical thought in and for itself (Enc. No. 18). The logic of Hegel is to be distinguished from the traditional logic which stems from Aristotle. Traditional logic is concerned with the

form, or laws, of thought divorced from specific content. It analyses the formal processes of thought and distinguishes the formal elements which then serve as the logical principles upon which a critical examination of knowledge may be based. This procedure abstracts from the material content of our judgements and concepts and concerns itself only with their formal relations. Hegel explicitly rejects this separation of form and content and yet maintains that the object of his Logic is thought. If both Hegelian logic and traditional logic maintain that the object of their investigations is "thought", then in what sense can Hegel claim that his logic overcomes the separation of form and content which, in Hegel's view, limits the traditional study?

The decisive difference is contained in the superficially simple statement by Hegel that "Truth is the object of Logic" (Enc. No. 19, Remark). The Phenomenology described the emergence of Truth (in the sense used by Kojève in the passage quoted above) out of the systematic representation of the different modes of consciousness culminating in absolute knowledge. The Logic presents Truth (here given the logical term of "Idea") as a result of the development of the categories of pure thought. The "purity" of pure thought, however, must not be understood as an abstraction from all content, i.e. as forms or laws of thought as conceived by traditional logic. The Logic assumes the results of the Phenomenology expressed as the coherent unity of thought and being.⁵ The categories of thought are, therefore, the categories necessary for the revelation of different modes of being. In turn, each mode of being is equally a mode of the thought of being. Each stage in the Logic is a moment in the complete revelation of the Idea expressed in terms of the unity of thought and being. The development of the Idea is, therefore, distinguished from discursive revelation of

particular aspects of the totality of Absolute Knowledge such as nature, ethics, art or religion which arise later in the Encyclopaedia. Each category of the Logic, as a determinate thought of being, is a moment in the development of the absolute Idea, which is the complete and coherent discursive revelation of the unity of thought and being. Each category of logic, no matter how incomplete when viewed from the final perspective of the Idea, is an intimation of the Idea since it presupposes the unity of thought and being, albeit at a partial, or incomplete, level. The emergence of the absolute Idea of the Logic requires nothing which lies outside thought, since thought is immediately thought of being. The development towards the absolute is thus an immanent one. "No subject matter is so absolutely capable of being expounded with a strictly immanent plasticity as is thought in its own necessary development" (Log. p. 40).

The Logic affirms the capacity of thought to have itself as its own object. "We must designate as the distinctive determinateness of the Concept of mind, ideality, that is, the reduction of the Idea's otherness to a moment, the process of returning--and the accomplished return--into itself of the Idea from its Other... (Enc. No. 381, Remark). But this "ideality" is still expressed only in the form of the Idea and not yet as an Absolute with determinate content. "For the cognition already contained in the simple logical Idea is only the concept of cognition thought by us, not cognition existing on its own account, not actual mind but merely its possibility" (ibid). The ideality of mind must be shown to exist. That is, it must not remain at the level of conceptual possibility but rather must be seen to emerge out of the philosophical investigation of the objective realities of the natural and human world. The Logic begins with the thought of abstract Being.

It concludes with the complete and coherent revelation of Being through discourse, albeit in the limited form of conceptual possibility.

Hegel's logical treatises may correctly be regarded as ontology. Even if we regard his efforts as entirely successful we must recognize that, in his own terms, he is still a long way from describing an "actual knowledge of what truly is". The Logic may provide a complete account of Being revealed discursively in thought but the "Being" of the Logic has no determinate content. The Idea of the Logic may describe the ontological structure of absolute knowledge, but it is not a complete account of absolute knowledge. If Hegel is to provide real content for the concept of absolute knowledge he must move beyond the Logic; if absolute knowledge is to be "actual knowledge of what truly is" Hegel must turn to the natural and human world for the objective content of absolute knowledge. The Idea must move beyond ontological possibility to become actual; that is, the Idea must become actual by revealing itself as the ontological structure of the objective world of nature and man. Hegel must now describe the actualization of the Idea in the natural and human world. At the end of the Logic he states; "We began with Being, abstract Being: where we now are we also have the Idea as Being: but this Idea which has Being is Nature" (Enc. No. 244, Remark). We have now moved beyond the Logic to the natural world.

The Philosophy of Nature traces the progress of the Idea as it is actualized within the spatio-temporal world of physical nature. Nature appears as the sphere of "self-externality". The objects of nature appear to be external both to the human mind and to each other. The empirical scientist seeks to impose order on this chaos. He observes nature and formulates laws which account for the behaviour of natural objects. He attempts to eliminate contingency by discover-

ing within nature universally necessary and valid laws and forces. The empirical scientist does not treat those universals as merely subjective additions or external forms which organize an essentially unknowable nature; for the scientist "objective reality is attributed to laws, forces are immanent, and matter is the true nature of the thing itself" (Enc. No. 246, Remark).

This "realism" of empirical science is, in Hegel's view, an impressive achievement. The practical logic of this activity is the logic of the understanding, where self-identity reigns as the fundamental category (ibid). Within the strictly limited sphere of the rational observation of nature the logic of the understanding provides a correct foundation for the methodology of empirical science. It is insufficient, however, for the true philosophical comprehension of nature. "What distinguishes the philosophy of nature from physics is, more precisely, the kind of metaphysics used by them both..." (ibid). As we have already seen, in Hegel's view the mistake of philosophers who provide a philosophical base for empirical science lies in their attempt to inflate their philosophical positions into a philosophy of complete and coherent knowledge.

For Hegel, a primary goal of philosophy is the description of the development of knowledge to absolute knowledge. The philosophy of nature must attempt to discover within the objective reality of nature and natural science the immanent development of the absolute. It must be emphasized that Hegel does not attempt to replace empirical science with philosophy or to determine its results through a priori philosophical speculation. The philosophy of nature "presupposes and is conditioned by empirical physics" (Enc. No. 246, Remark). It cannot ignore the successful results of natural science. Nature itself is regarded by

Hegel as a system of stages (Enc. No. 249) and each stage is investigated by the appropriate branch of the empirical sciences. It is the task of the philosophy of nature to penetrate through those stages and to discover their significance for the development of the absolute. But the development of the absolute is not abstract and formal (as, according to Hegel, was Schelling's philosophy of nature) but rather is immanent within nature and empirical science. The empirical sciences provide Hegel with the material upon which he constructs a philosophy of nature. The philosophy of nature must discover within empirical scientific knowledge a stable logical structure which demonstrates the development of the absolute while remaining ever mindful of the variable empirical content of science.

We must, however, guard against transforming Hegel's philosophy of nature into a philosophy of natural science. We can clarify Hegel's concept of a philosophy of nature by briefly contrasting nature with consciousness. Consciousness presupposes the relation of a subject to an object. The development of consciousness is marked by the struggle of the subject to overcome the "otherness" of the object, to recognize the object as its own, and itself in the object. Subject and object develop towards that level of philosophical thought where each is seen in its truth as self-and-other-mediating. For nature, however, this "self-development" is impossible. It is impossible precisely because the subject-object dichotomy does not exist within nature. Nature is self-external; any distinction between subject and object is only implicit in nature. There is no subjectivity within nature and so any distinction between subject and object can never be for nature (i.e. nature cannot be self-conscious) but must always be for us, (the philosopher of nature).

The self-externality of nature does not place it outside the realm of philosophical interest and speculation. As Mure writes: "...to the philosopher the absence of a subject-object relation, the self-externality of nature, is a determinate absence, a significant privation.... Nature is, then, for philosophy not the simply non-spiritual, but the pre-spiritual from which spirit must emerge. There is in nature nothing positive which it does not possess by virtue of its approximation to spirit."⁶ The natural scientist, on the other hand, treats nature as a real and independent object of study. This assumption of real independence amounts to the claim that nature is non-spiritual rather than pre-spiritual.

The natural scientist investigates non-spiritual nature with the intention of discovering therein an order which systematically organizes the chaos of natural phenomena. The philosopher of nature accepts the scientist's results and then seeks to reinterpret them. The reinterpretation does not attempt to replace the results of natural science but rather to discover within them the significance of nature for the emergence of spirit.⁷ The philosopher utilizes the results of natural science in an effort to transform the non-spiritual concept of nature into a pre-spiritual one. The philosophy of nature must restrict itself to the examination of nature as it is. Although nature continually reappears in the development of spirit proper, as an object for a subject (e.g. as a contrast to the moral will it does so as a spiritual object, while in the philosophy of nature it appears as pre-spiritual. For Hegel, pre-spiritual nature is ordered hierarchically according to the degree to which it sheds its bare self-externality and approaches spirit. Hence pre-spiritual nature ascends from the pure self-externality of space and time (the lowest levels of mechanics) through

physics to organics, culminating in animal life (Enc. No. 381, Remark).

The transition from the Philosophy of Nature to the Philosophy of Mind is thus the transition from the pre-spiritual realm to the realm of spirituality proper. The development towards spirit in the philosophy of nature is a development for us. Nature itself "suffers quite passively the idealization which thus falls to its lot" (ibid). For mind, however, the relation of subject and object is not one of passive externality:

"In this case, there no longer stands on the one side, an activity external to the object, and on the other side, a merely passive object: but the spiritual activity is directed to an object which is active in itself, an object which has spontaneously worked itself up into the result to be brought about by that activity, so that in the activity and in the object, one and the same content is present" (ibid).

This is a restatement of the result of the phenomenological description of the dialectic of subject and object in the Phenomenology. Its appearance at this point in the Encyclopaedia serves to underline the fundamental distinction between Nature and Mind, or between the natural and human worlds. The development of nature towards the spiritual world is necessarily for another (the philosopher). The development of mind, within mind or in itself, comes to be seen as a self-development, or for itself. Man creates himself and the Philosophy of Mind traces this process of self-creation. Similar to the Phenomenology, each stage is simultaneously a development of the ideational powers of mind and a step closer to the absolute comprehension of this development as a self-development. We can see this reflected in the structure of the work.

The Philosophy of Mind is divided into three sections--subjective mind, objective mind and absolute mind--which are arranged, respectively, from the lowest to the highest stage of human development. Although

there are a variety of ways in which we may characterize this development,⁸ for our purposes it is most convenient to see it as the development towards freedom through an ascending series of relatively more complete (i.e. freer) stages. The development as a whole is a dialectical one in which each stage emerges out of the preceding one, has it for its proximate matter, and is its fulfilment. This is the case not only within the Philosophy of Mind but also in the transition from the Philosophy of Nature to the Philosophy of Mind (i.e. nature is pre-spiritual and mind is spiritual). This can be clarified through a brief description of the structure of the Philosophy of Mind.

The first division of the work is subjective mind and it begins with the section titled "Anthropology". The Anthropology traces the development of the soul. The soul, although the first appearance of spirit, is still immersed in nature. The soul does not distinguish itself from the external world (nature) and so there can be no clear notion of either subjectivity or objectivity. The anthropology of the soul is prior to the distinction between subject and object. The soul passively receives natural influences and absorbs them as required. These natural inputs include its own natural physical attributes as well as those influences such as climate to which the soul must adapt if it is to achieve environmental stability. This capacity of the soul to absorb and transform natural influences is still immediate. There is, as yet, no sense of self, no awareness of subjectivity in opposition to objectivity, no consciousness of the transformative powers of mind. Gradually, however, through the stages of "feeling", the soul begins to establish permanence through change, distinctions out of chaotic flux. The ability to relate itself to its own natural embodiment, its own corporeity, leads to the recognition that this is a self-relation.

The soul thus establishes its own identity through difference, an identity which overcomes the bifurcation of its own internal and external sides (Enc. No. 411). It has become a self or, what is the same thing at this stage, it has discovered its own subjectivity in opposition to an objective world. The dialectic of mind's development has achieved the level of consciousness.

The next section of "Subjective Mind", titled the 'Phenomenology of Mind', takes up the development of mind from the first, primitive division of the world into subjective and objective spheres to the stage of development called 'Reason'. The section reproduces, in highly condensed form, the general movement of the opening three sections of the Phenomenology of Spirit, viz. Consciousness, Self-Consciousness and Reason. Mind develops out of the primitive subject-object distinction of consciousness to the universality of self-consciousness. This latter corresponds to the Kantian transcendental unity of apperception, to the knowledge of the self which is present in all judgements. In 'Reason' mind attempts to establish the principle that reason permeates and comprehends the world or, what is the same thing, that reason is not a subjective concept alone but rather is the principle which comprehends both objectivity and subjectivity and establishes their unity within human knowledge. That "unity", however, remains only at the level of "principle" and is not yet actual.

The third section of subjective mind is titled 'Psychology' and it is itself subdivided into Theoretical Mind, Practical Mind and Free Mind. Psychology has Reason for its proximate matter and the dialectic of the section depicts the struggle to overcome the bifurcation of subject and object. Theoretical Mind seeks to overcome

the "givenness" of the objective world, to take up the objective world into its own life and, ultimately, see it as the objectification of its own implicit rationality. The development passes through three stages. The first Hegel calls 'Intuition' and it refers to the immediate relation between a subject and a particular material object. The second stage, 'mental representation' refers to the withdrawal by the subject from the immediacy (givenness) of this relation; it achieves this "withdrawal" by relating the particular material object of intuition to the universal of which it is a particular. This section includes an interesting discussion of language.⁹ In the third section, 'Thought', Hegel presents the development of mind as "intelligence that comprehends the concrete universal nature of objects, or thought in the specific sense that what we think also is, also has objectivity" (Enc.No. 445, Remark). From the theoretical standpoint, Mind has discovered that human reason is the substantive principle of both subject and object and constitutes their unity.

Theoretical Mind culminates, therefore, in the recognition by mind of its capacity to freely determine its own content in accordance with the principles of reason. But this capacity remains theoretical only. The goal of the theoretical standpoint can only be achieved through practical activity, through the practical transformation of the world into a rational world. Accordingly, in Practical Mind, Hegel presents the development of the practical capacities of Mind. Analogous to the development of Theoretical Mind, Practical Mind advances from satisfying particular feelings, through the stage of impulses and the exercise of choice, to the universal demand for a full, self-sufficient happiness. In short, the development is from particularity to universality or from particular acts necessary for

the satisfaction of needs determined by contingency to activity which actualizes universal human reason. The theoretical and practical aspects of mind may be distinguished conceptually, as is the case here, but they cannot be separated absolutely. They are parts of one continuous process.¹⁰ Their unity constitutes the stage of development which Hegel terms 'Free Mind'.

Free Mind completes the development of Subjective Mind which began with the discussion of the soul. At this stage, however, freedom is still an abstract idea. Mind has freedom for its object only as an ideal, as an object of cognition. It must now create the world which satisfies the demands of reason. Practical Mind demonstrates that practical activity is directed towards the actualization of reason through the transformation of the world. We must now turn to this actual process of transformation. The dialectic therefore moves beyond the realm of Subjective Mind, of cognition, and into the realm of Objective Mind, of legal, moral and political reality. The concept of freedom must be made actual. It is the dialectic of Objective Mind which Hegel describes most fully in the Philosophy of Right and which I will discuss in detail in succeeding chapters.

Objective Mind, however, is only the penultimate stage of human freedom. Political freedom is "posited" in the world, and, subject to contingency and finitude, can never be absolute. True freedom is reserved for Absolute Mind. The "eternal truth" of Spirit can only be freely grasped in its absoluteness in the three stages of Absolute Mind, viz., Art, Revealed Religion and Philosophy. This "eternal truth" is known immediately, or sensuously, in Art, representationally in the form of Christian religion and as pure thought thinking itself in Philosophy. The Encyclopaedia is very sketchy on the details of these



"absolute" modes of knowledge and so it is necessary to look to Hegel's lectures on these subjects in order to gain a fuller understanding of his views. For my purposes, such detail is unnecessary. I will however, return to the question of the "infinity" of the absolute and its relation to the "finitude" of politics in a later section.

FOOTNOTES TO CHAPTER II

1. See The Logic of Hegel (part I of Encyclopaedia of the Philosophical Sciences), trans. William Wallace, 2nd ed. (Oxford, 1892), translator's bibliographic notice pp. IX-XXVI.
2. Unless otherwise noted, all references in the thesis to the Encyclopaedia will be to the third edition.
3. Alexandre Kojève, "L'idée de la mort dans la philosophie de Hegel", Introduction à la lecture de Hegel (Paris, 1947), p. 534. Translated as "The Idea of Death in the Philosophy of Hegel" by Joseph J. Carpino, Interpretations Vol. 3 No. 2, (The Hague, 1973), p. 121.
4. Henry Paolucci, "Truth in the Philosophical Sciences of Society, Politics, and History", Beyond Epistemology, ed. F.G. Weiss (The Hague, 1974), p. 101.
5. In the Phenomenology, Hegel describes this unity in the parallel terms of "subject" and "object" or "subject" and "substance".
6. G.R.G. Mure, An Introduction to Hegel (Oxford, 1940), p.69. Hegel's concept of "Spirit" will be discussed in detail in Chapter 6 of the thesis. In a provisional way, it is possible at this point to state that the development of self-consciousness is an integral aspect of the development of Spirit. Since nature cannot be self-conscious, it is not spiritual in Hegel's sense. Mure's point is that nature provides the objective ground for the emergence of Spirit and self-consciousness.
7. Mure, op. cit., p. 72.
8. As we have already seen, the development towards freedom corresponds to the development from barest finitude to true infinity.

(Footnotes continued)

Alternatively, the development may also be viewed as the existential actualization of the three main divisions of the Logic, viz. Being, Essence, and Notion. Another logical figure is the development of universality through particularity to concrete individuality. These general movements are not only evidenced in the work writ large but may also be discovered within each section and sub-section.

9. On the relation between mental representation (vorstellung) and language see M. Clark, Logic and System (The Hague, 1971).
10. This will be discussed in greater detail in the next chapter, on will.

CHAPTER THREE

THEORY AND PRACTICE

It is well known that Hegel's introductions to his works are both philosophically interesting and important in their own right as well as indispensable for the comprehension of the works themselves. This is true of the Philosophy of Right and yet there is surprisingly little discussion of the introduction in commentaries devoted to the book.¹ Several possible reasons for this omission should be considered. First, the Philosophy of Right is correctly regarded as containing Hegel's most extensive statement of his mature political philosophy. This predisposes most commentators to rush through to the most explicitly "political" section of the book, namely the section on Ethical Life and, more particularly, the subsection on the state. The assumption underlying this approach is that Hegel's "political theory" is detachable from his "metaphysics".² Serious consideration of the Introduction then becomes irrelevant to the task at hand.

This attitude is reinforced by the actual subject matter of the introduction. For the most part, Hegel confines himself to a long and difficult discussion of human will. The concept of right is discussed only briefly and there is almost no mention at all of concepts which would normally be regarded as "political". The standard view is that the "digression" on will may be "metaphysically" significant, but it has little or no import for the political doctrine strictly considered. The whole issue is complicated further by the seemingly haphazard arrangement of the introduction, where the basic structure of the section is very difficult to discern.

In my view the "metaphysics" and the "political" concepts are bound up with each other and, therefore, to explicate one "set" of concepts is to make significant progress towards elucidating the other. The intricate connections between political concepts such as right and freedom and the metaphysical ones of will and mind are crystallized in paragraph 4 of the introduction where Hegel states:

"The basis of right is, in general, mind; its precise place and point of origin is the will. The will is free, so that freedom is both the substance of right and its goal, while the system of right is the realm of freedom made actual, the world of mind brought forth out of itself like a second nature." (PR. No. 4).

The rest of the introduction may be regarded as an expansion and elucidation of the principles contained in that one paragraph. It is my view that the paragraph compresses the general thrust and direction which will determine the structure of development of the entire Philosophy of Right. This cannot be maintained by assertion alone, however, and so we must turn our attention to an examination of Hegel's actual arguments which I believe support this view. In the course of this examination I hope to establish the reasons why Hegel begins the Philosophy of Right with a discussion of will and to indicate provisionally³ the necessity of an understanding of this section to the comprehension of the work as a whole. The more general problem of the relation between metaphysics and politics in Hegel will be addressed only indirectly at this stage through the analysis of the particular problem of will.⁴

In the Encyclopaedia will is discussed under the general title of "Practical Mind". Practical mind is that phase of mind's development which makes its appearance after the exhaustion of the possibilities inherent in thinking, the highest stage of "Theoretical

Mind". This transition may be described in general terms as the transition from theory to practice. In order to grasp the necessity of the progression we must indicate the specific limits of theoretical mind; those limits, however, can only be understood within the context of the development of theoretical mind.⁵

Theoretical mind is concerned with the development of human cognitive power. Since cognition is only one aspect of totality (excluding e.g. the conative aspect) it is necessarily abstract (i.e. incomplete). Therefore, each specific moment in its development is also abstract and is to be viewed as forms or modes of limited or incomplete human experience. As we have already seen in our discussion of the Phenomenology, it is precisely this abstractness, this partiality, which necessitates the dialectical advance through ever more complete forms of experience. For reasons of economy I shall not concentrate on the details of this development but, rather, indicate only its general structure.⁶

Theoretical mind begins with intuition, the most immediate ("undeveloped") form of cognition. In intuition an object is represented to a subject immediately (i.e. without the mediation of organizing concepts of thought). In Theoretical Mind Hegel is concerned to demonstrate the development of cognitive reason; therefore, in intuition, we must discern the first appearance of rationality. This Hegel attempts to do by demonstrating that in intuition the subject intuits particular objects as substantial and unique.⁷ The intuition of the substantiality of the subject is, in Hegel's view, implicitly rational but incomplete. It is incomplete because intuition "does not attain to the immanent development of the substance of the subject-matter but confines itself rather to seizing the unexplicated substance

still wrapped up in the inessentials of the external and contingent" (Enc. No. 449, Remark). The goal of rational cognition is to comprehend the object as an "articulated, systematic totality" (ibid).

Intuition is abstract and incomplete because it is seen to depend upon the immediate grasp of an object presented to a subject under the contingent conditions of space and time. That is, the object appears at a specific moment in time and at a specific place. If the object does not present itself then there can be no cognitive act. For cognition to advance the subject must be capable of freeing itself from this immediacy, from this dependance upon the appearance of an object within particular space-time coordinates. The particularity of intuition renders impossible any coherent mental processes over time since "all that happens possesses duration for us only when it is taken up by ideating intelligence" (Enc. No. 452, Remark). Unless this occurs mind is confined to lurching from one particular object intuited "here and now" to another, with no possibility of establishing "non-contingent" patterns of thought. The development beyond the immediacy of intuition is accomplished by those modes of experience which Hegel groups together under the general title of "Representation".

There are three distinct stages of development within Representation - Recollection, Imagination, and Memory. In 'Recollection' mind begins to "internalize" the content of Intuition. The intuition is held by mind in the form of an image. The capacity to create images lifts mind out of the contingent particularity of space-time coordinates, for the image persists through time and space and is held, therefore, within the spatio-temporal concepts developed by mind itself. In 'Imagination' mind learns to operate

with images. The lowest form of imagination, 'Reproductive Imagination', denotes the stage where mind is able to recall into existence already-formed images. In 'Associative Imagination' mind forms connections between images and forms new general images which represent the newly-discovered connections. The development is clearly away from the immediate sensuality of Intuition in the direction of increasingly mental (or, in Hegel's terminology, ideational) cognition. In 'Creative Imagination' mind continues this development by learning to use symbols and signs. A symbol involves the use of one image to represent another directly as in the example presented by Hegel where the eagle is used to represent the strength of Jupiter (Enc. No. 457, Remark). Signs have been stripped of almost all immediate sensuality for they are the arbitrary symbols out of which language is constructed. Hegel is clear about the specific way in which he is discussing language and acknowledges that a complete theory of language would require much wider treatment and would include many elements absent from the present section (Enc. No. 459).

The importance of language for the development under examination is that it liberates mind from its excessive dependance on sensual images. In 'Memory' the ability to retain linguistic signs as names of things, as signs of the meaning of things, develops into the ability to employ those signs without constant "external" reference to the things, and their meanings, which they name. That is, mind is now able to order its experience by means of non-sensual, universal linguistic signs. Language is non-sensual in the special sense that its use becomes so routinized that mind is able to employ names without recourse to constant reference to sensual objects.

The progressive development of the independence of mind from the contingency of the objective world culminates in the last stage of theoretical mind, 'Thinking'. Independence must be understood in the special sense that mind is able to free itself from the condition of being determined by contingent empirical reality. It is free and independent in this sense in proportion to the extent to which it can discover itself in reality and thus impose order and necessity upon reality. Reason is the highest development of subjective mind and Thinking, therefore, denotes that stage of mind's development wherein the real and the rational are identified with each other. Hegel distinguishes three levels of Thinking--Understanding, Judgement and Syllogism. In the section on Thinking in the Encyclopaedia Hegel barely mentions each distinct level. For a much fuller treatment it is necessary to look to the Science of Logic where Understanding arises in the "Doctrine of Essence" and Judgement and Syllogism are given extensive treatment in the section on the "Subjective Notion".

In Understanding, Mind discovers the concepts of essence and existence, universal and particular, form and content and so forth, and generates concepts such as species, genera, laws and forces in an effort to explain the world in systematic, rational terms. The great advance of Understanding is that it separates out all these important concepts while its limitation, in Hegel's view, is that it is unable to reintegrate them into a coherent and unified whole. In 'Judgement' the unification process is begun, although the objective, real content of Judgement is still only "given" to the (passive) subject who then organizes it within necessary universal concepts. In Syllogism the universality of thought becomes concrete as "laws of thought", and thought, the activity of rational thinking, is seen to determine its

content for itself out of its own rational and logical necessity. The goal of Theoretical Mind is now attained, since Mind knows the world as objectively rational. "Knowing now constitutes the subjectivity of Reason, and objective Reason is posited as a Knowing" (Enc. No. 467, Remark).

In Theoretical Mind the implicit identity of thought and being has become explicit as universal Reason. The "being" of the objective world, which first appears as an external "other" standing over and against the human subject, is known by the subject as reason embodied objectively. An identity is established between the objective and subjective realms when Mind, in the process of coming to know the objective world, comes to recognize the rationality of the world as its own (Mind's) rationality. There is more than correspondence between subject and object or Mind and world, for the two are seen to thoroughly interpenetrate each other within the universality of Reason. The being of the world is known by Mind as explicitly rational, and the revelation of objective rationality is mind's achievement.

But this "interpenetration" is limited. By discovering the rational structure of the objective world Mind discovers its own subjective rationality. The world known by Theoretical Mind is "given" in the form of nature, and Mind, at this stage, adopts the observational standpoint from which the rational identity of thought and being may be established. The "observational" posture is limited, however, since Mind is also active. Man acts in the world and through his activity establishes a human world. Reason becomes objective to Mind through the creation of a rational human world. This active side Hegel terms "Practical Mind", and it denotes that aspect of Mind

where Mind is not satisfied with only determining the rationality of a given content (nature) but also seeks to create a world which actualizes its own subjective reason.

In Theoretical Mind, the objective world (the rational 'being' of nature) is internalized as thought; in Practical Mind, thought (subjective rationality) is translated into existence (the human world). Expressed in this way it is to be hoped that Theoretical Mind and Practical Mind may be seen as two distinct but inseparable aspects of one, ultimately coherent, process. Indeed, it is only when we recognize this "ultimate unity" that we can begin to grasp Hegel's seemingly mysterious philosophical procedure. In each major division within the Encyclopaedia Hegel develops the section to its highest level before undertaking the next section. Theoretical Mind, for example, culminates in the complex and rich notion of Syllogism. The next section, for Practical Mind, begins with the relatively primitive notion of Practical Sense. Hegel does not suggest that Practical Sense is "higher" than Syllogism; rather he is beginning a new line of development which, when complete, will be seen to mark an advance in Mind's progress towards absolute knowledge. For Hegel, the merit of this procedure is that the logic of each position may be explored and developed in full before the logic of another is investigated. Thus the logic of the theoretical standpoint, of the rational internalization of the "otherness" of the objective world (nature), can be developed all the way up to Syllogism before exploring the logic of practice (Practical Mind) which begins, in its lowest form, as Practical Sense. Syllogism, for example, is seen as the "final result of the development of Theoretical Mind through the stages, antecedent to pure thinking,

of Intuition and Mental Representation" (Enc. No. 467, Remark). The emphasis on the logic of the theoretical standpoint as such allows Hegel to develop each stage out of the antecedent one and thus avoid, for example, treating Intuition or Representation as "additions" to Reason, separate although complementary. This approach does not deny distinction but rather demonstrates that it is possible to distinguish different modes of experience within a hierarchical integrated totality.

In a similar manner, Theoretical and Practical Mind cannot be separated absolutely. As we have already seen in the discussion of Hegel's introduction to the Phenomenology the dialectic of Mind is intended as a complete description of the dialectic of the real development of thought and being to Absolute Knowledge. Mind is forced beyond levels of incompleteness because it cannot be satisfied with truth which it knows to be only partial or incomplete. But this movement ultimately also comes to be seen in its truth as a dialectical unfolding of the structure of Mind itself, i.e. as the development of what is implicit (potential) in Mind to that level where it becomes explicit as absolute, actual self-knowledge. Theoretical Mind is partial because it is unable to provide an account of the human world, of the self-conscious practical activity of man. It is this latter activity (mode of experience) which Hegel takes up in his discussion of Practical Mind.

Hegel opposes Practical Mind to Theoretical Mind in the following abstract manner. Practical Mind presupposes the emergence of thought as a self-conscious universal capacity. In Kantian terms this is nothing other than the self-conscious recognition of the "transcendental unity of apperception", of the ego which is present

in all thought. This universality, however, is abstract because the ego of this transcendental unity is still only "ego" in general. The "I" of the Theoretical standpoint refers to any ego whatsoever. It is universal at the expense of the particular, of this particular ego situated within a specific spatio-temporal world. The ego becomes particularized through specific acts of self-determination, and it is those acts which constitute the subject matter of Practical Mind. In determining the self the ego differentiates itself from other egos and discovers itself in its spatio-temporal specificity. Hegel expresses this activity of self-determination in this way:

"In so far as I am practical or active, i.e. in so far as I do something, I determine myself, and to determine myself simply means to posit a difference. But these differences which I posit are still mine all the same; the determinate volitions are mine and the aims which I struggle to realize belong to me. If I now let these determinations and differences go, i.e. if I posit them in the so-called external world, they none the less still remain mine. They are what I have done, what I have made; they bear the trace of my mind." (PR. No. 4, Remark)

The particularity of practical life may initially appear to contradict, to stand in opposition to, the universality of the "theoretical" ego. This view, however, is only apparent and, for Hegel, to maintain this is to avoid the difficult task of discovering philosophically the logic of human practical activity. What is universal in Theoretical Mind is the rational structure of mind itself, a structure which is seen to emerge dialectically in the efforts of men to know the natural world. In a similar way, the logic of practical activity is to be understood as a dialectical emergence of the implicit rationality of Mind in the struggle by particularized egos to act in rational ways. Reason is universal

in the sense that it is a characteristic structure of Mind as such. In Aristotelian terms we could describe reason as potential in all men, as an essential attribute of the concept "man". For Hegel, this essential rationality emerges over time, becomes actual in the world through the struggle by man to discover ever more satisfactory and comprehensive ways of knowing and doing. Theoretically, for Hegel, this process can only be completed in Syllogism because all antecedent forms are defective. Practically, the process is completed in the free will since all lower forms are unable to actualize man's rational search for practical satisfaction. The term "satisfaction" is itself misleading, however, since it carries a sense of contingency. In truth it describes a drive towards rationality, since from the perspective of philosophy, only rational acts are fully satisfactory. Although specific modes of practical activity may be rejected for a multitude of "reasons", ultimately they are seen to be deficient (unsatisfactory) because they are not fully rational. This drive towards rationality, initially only implicit, becomes explicit at the level of self-conscious free will. This is the logic of practical activity and, as is the case throughout Hegel's work, it is a logic which is discovered a posteriori, in this case through reflection by the philosopher (Hegel) upon the history of human practical activity.⁸

Thus we see that Theoretical and Practical Mind cannot be separated. Their essential unity is evidenced in their respective drives towards rational completion. The rationality of mind is complex and is actualized in diverse ways, i.e. both theoretically and practically. Ultimately the unity of diverse modes of experience is established within Absolute Mind, imperfectly in

Art and Religion, and perfectly in the mind of the philosopher who is absolutely wise. Even at the more mundane levels of imperfection, however, theory and practice are seen as mediating aspects within one totality. Will is not activity simpliciter, but is always purposive and self-conscious. An animal acts, for example, but it has no will in the Hegelian sense since it "does not bring before its mind the object of its desire" (PR. No. 4, Addition). Purposive human activity, for Hegel, presupposes the theoretical and contains it within itself. "The will determines itself and this determination is in the first place something inward, because what I will I hold before my mind as an idea; it is the object of my thought" (ibid). Also, theorizing is itself a kind of activity, both in the sense that we must will ourselves to think theoretically and in the sense of an active interplay between the subject and object of Theoretical Mind. "The content of something thought has the form of being; but this being is something mediated, something established through our activity" (ibid). Of course, the activity of theorizing is distinguished by Hegel from practical activity strictly considered.

Hegel's treatment of the relation between theory and practice conceals several difficulties. Heretofore we have treated Theoretical Mind as that aspect of Mind which is concerned with the internalization of the being of the "external" world (nature). Now it is clear that Hegel also intends "theory" to include, in some sense, the "human" world as well. Although the importance of this equivocation will be dealt with in greater detail in Chapter 8 a few words should be addressed to the problem now. Clearly one form of human practical activity is concerned with man's relationship to

nature and the struggle to overcome natural necessity. This activity is enhanced to the extent that we can know nature, e.g. the practical activity of farming is seen to progress in relation to the advancement of our knowledge of the natural world. But this type of knowledge (theoretical) is not linked as directly to other forms of practical activity such as moral reasoning, politics and so on. In what sense then are theory and practice linked in those areas of practical activity where there does not exist an immediate relation between nature and practical activity?

Hegel does not provide clear guidance on this point. It is possible, however, to advance a provisional solution to the problem. The goal of Theoretical Mind, as we have seen, is to internalize the objective external world which, before the appearance of practice, is defined as the natural world. Further, the very externality of this world is seen to rest on its "givenness", its "eternal presence" in opposition to the subjectivity of man. But the human world of politics, morals, economics, culture and so on also has an aspect of "givenness". The human world has a history and individuals are born into this world and are forced to confront this world as a historically determined "given". Indeed, the activities themselves of human actors constitute a personal history for each actor which cannot simply be "willed" away. The objectivity of this world, its reality to the human actors, must be understood to some degree if the actors, are to invest their activity with any significance, either subjectively for themselves or objectively for others or both. But this understanding is seen to depend on a theoretical understanding of the human world, of the world presented to the actor as a given historical reality. To the extent that this

understanding grows we may describe it as a growth in the theoretical knowledge of the human world. Further, specific acts have specific results which create new understandings which, in turn, create new possibilities for acting in specific ways. Our theoretical understanding of the human world is seen to mediate our practice which in turn mediates our theoretical understanding. If we thus expand our conception of theory to include knowledge of both the natural and human worlds, understood in their givenness and objectivity, we can establish a relation between theory and practice. It requires a departure from or at least expansion of, what Hegel actually says on this matter, but it does not, I think, go against the spirit of his discussion. Practice, therefore, is seen as a mode of mediated immediacy in which purposive human activity (with respect to both the natural and the human world) is mediated by our theoretical knowledge of the given, objective realms of nature and human activity.

The ultimate unity of theory and practice within Absolute Mind is presented by Hegel as the actualization of universal reason in the life of man. Rationality becomes explicit within two distinct but inseparable modes of experience, namely Theoretical and Practical Mind. We have seen what theoretical reason involves and now we must investigate the concept of practical reason, or reason becoming explicit and actual within the sphere of human purposive activity.

We may begin with Hegel's own statement that "what is rational is actual and what is actual is rational" (PR. Preface). This statement is undoubtedly one of the most controversial in the entire Hegelian corpus. The controversy may be seen to rest on a misunderstanding of the meaning of actual.⁹ First of all, Hegel's

concept of actuality is to be distinguished from the vague notion of "empirical existence", or "reality". For Hegel, what is actual is the Idea (capitalized to distinguish it from the common sense notion of an idea as any possible object of thought). In order to comprehend what Hegel means by Idea we must turn to his distinction between "essence" and "Concept". In the "Doctrine of Essence" in the Science of Logic Hegel describes a specific mode of thinking which he terms the "Understanding". At the level of Understanding, distinctions between essence and existence, universal and particular, necessary and contingent, phenomena and noumena, are made for the first time. Although the Understanding marks a great advance over all antecedent modes of thinking, it is still incomplete. Each of the terms within each duality is considered to be self-identical, i.e. self-subsistent. If this is the case, however, then the relation between opposing terms becomes highly problematic. If the universal essence of a collection of particular existents is self-identical, then in what way can this essence relate to its particulars without abandoning its self subsistence? If the relation is of such a kind that the relation is itself an integral part of the universal essence, then the essence is not self-identical and self-subsistent. If the relation is not itself essential to the concept of essence then the relation must be external to the concept and it is extremely problematic, to say the least, to demonstrate the necessity involved in the relation between a universal essence and its particular existents.

In the Science of Logic Hegel discusses at length the unsatisfactoriness of the various attempted resolutions of those problems. For our purposes we need only point to his own resolution,

which is contained in his description of the "Concept". The basic defect of the Understanding is that it is unable to get beyond the formal law of identity, according to which each thing is stable only if it is self-identical and excludes all difference. Hegel's great logical leap was to show that self-identity which excluded all difference was an empty formal notion. True identity, for Hegel, is established through difference and not in opposition to it. That is, the universal essence determines itself through its particulars. Viewed dynamically, the abstractly self-identical universal is seen to determine its particular existents as its own necessary content, as a content adequate to itself as concept. True identity is thus the developed unity of identity (abstract universal) and difference (particular existents). The logic of identity is temporal since identity emerges over time as the concept actualizes itself through the determination of an adequate content (particular existents). This ultimate unity of the concept with its own necessary content is termed the "Idea". The Idea is, therefore, the concrete (dialectical) unity of essence and existence, universal and particular. Rationality is identified with the Idea since the Idea of a thing is the thing in its complete and absolute perfection. In the case of man, we may describe this achieved perfection, the Idea of man, as complete human freedom. More specifically, the rational will describes that level of human activity in which man acts freely, that is, becomes a free man through rational practical activity.

Hegel distinguishes between "reality" (Realitat) and "actuality" (Wirklichkeit). Reality denotes what is or what exists at any particular time and, therefore, corresponds to our own common notion of reality. Actuality, on the other hand, has a precise

philosophical content in Hegel's works; actuality refers to the state of completed development of something. For example, human freedom is actual only when man creates a human world in which he can live a free, rational life. The teleological element of this notion of "actuality" is clear; it is only when something has achieved its telos that it may, in Hegel's eyes, be regarded as actual. Human reality may, through history, be appalling at times and hardly rational. When (If) man manages to create a world in which he can live freely then he will have actualized his own implicit freedom. The Concept of man may be freedom and this is implicitly rational. When man becomes free, when the concept of human freedom becomes actual as "Idea", then reason becomes explicit and actual. It is in this sense that "what is actual is rational". Hegel most assuredly is not rationalizing away everything that exists, is real.

We can now begin to examine Hegel's description of the will as Concept. He distinguishes two abstract moments in the concept of the will. Both moments are based on the capacity of Mind, through an act of will, to bring before itself specific objects, i.e. to act in specific ways in the world and to interact with the objects (including other men) within that world. The first moment is that of abstract universality in which this capacity, as pure potentiality, is itself the object of Mind. Activity involves limitation and restriction in the sense that to pursue one course of activity necessarily precludes acting in other ways. Specific acts of will are viewed as finite and a challenge to the freedom of the will. In order to preserve the "infinite" freedom of the will Mind chooses not to act at all. The capacity to choose to act is the only "true" freedom, while specific acts are limits to this "freedom" and mark its negation.

The second moment is that of determination through specific acts. Mind, through its own agency as will, chooses to act and to determine itself as a particular, finite ego.

The two moments are abstract. The first moment is abstract universality. The "universal" which is the object of Mind at this point is the pure potentiality of activity, a potentiality which is viewed as inhering in the concept of man as such; the potentiality of activity is unlimited and represents the purest form of human freedom. It is abstract because it is purely formal, i.e. contentless. It is nothing more than the form of universality, separate from all particularity. Regarded as representing the freedom of "Man", it is unable to provide an account of the freedom of this man or that, i.e. of real human individuals. As individuals we are necessarily "in the world" and must act. Even the choice not to act at all is a particular choice and a specific act. For Hegel, there is no such thing as "Man" which exists separately from particular men. To talk of the freedom of "Man" while ignoring the question of the freedom of real individual men is to remain lost forever within a fog of abstraction. The second moment is equally abstract. In focusing solely on determinate acts of will it is unable to provide an account of what persists through those determinate acts, i.e. what it is which acts and informs those acts with human agency. The second moment ignores the aspect of universality which is necessary to unite together apparently discrete acts into a pattern of coherency and intelligibility.

Each moment, although abstract, is instructive. The first reminds us that any discussion of the will must not lose sight of what is universal in human activity. At the same time it demonstrates

the impossibility of an adequate concept of will which ignores the moment of particular acts. The second focuses on the necessity of acting in particular ways while demonstrating the incoherence of a view which loses sight of what is universal in human activity. We appear to have arrived at the impasse of the Understanding which is capable of separating universal and particular but is unable to reunify them in order to overcome the deficiencies inherent in their separation. In paragraph 7 of the Philosophy of Right Hegel refers the reader to paragraphs 163-165 of the Encyclopaedia (third edition) wherein he describes the resolution of the abstract separation of universal and particular. The term he invokes for this logical resolution is "Individuality" and it is nothing other than the philosophically concrete "Concept" as described above. The concept of the will is the unity of its two antecedent moments, the moments of abstract universality (identity) and abstract particularity (difference). Mind is seen to determine itself through its specific acts. It does not lose itself in those acts, however, but rather discovers its own universality and infinitude through them. The concept of will describes the "self-determination of the ego (Mind), which means that at one and the same time the ego posits itself as its own negative, i.e. as restricted and determinate, and yet remains by itself, i.e. in its self-identity and universality. It determines itself and yet at the same time binds itself together with itself. The ego determines itself in so far as it is the relating of negativity to itself" (PR. No. 7).

The concept of will, therefore, refers to the dialectic of practical activity in which the universal and particular elements of practical activity are united within the actuality of the concretely

free individual. The emphasis here must be on "dialectic" of universal and particular, for there is a temptation to regard the "universal" as a "subject or substratum... (which is)... complete and universal prior to its determining itself and prior to its superseding and idealizing this determination" (PR. No. 7, Remark). That is, the universal must not be thought of as a completed form which then "releases" itself into the world through particular acts. Similarly, particular acts must not be thought of as rational only to the extent that they approach, or "participate" in, the rationality of a pre-established, universal, transcendental form. This notion of a dialectic of universal and particular is extremely complex and difficult to grasp, especially when it is discussed only in very general terms. Further, we recall that the concept of dialectic involves the concept of emergence over time. Individuality, the concrete unity of universal and particular, must be viewed as a result and not as an abstract atemporal formula from which diverse conclusions may be deduced.

In the Philosophy of Right Hegel discusses various problems in the dialectic of universal and particular (PR. No. 8-10). The problem of starting point, for example, raises various complications. Hegel maintains that it is possible to examine the dialectic from either the side of universality or of particularity. If we begin with universality we begin with the notion of pure activity and then must discover the way in which this "abstract" universal realizes itself concretely only through particular acts. From the perspective of particularity we begin with the most immediate, particular acts and examine the development towards increasingly greater levels of self-conscious activity, culminating in the emergence of the concrete

universal through particular acts. In both cases will is implicitly rational and free. The development to be examined is from implicit rationality and freedom to their emergence as the explicit, rational free will. Although both approaches demand a reconstruction of experience (as discussed in the section on the Introduction to the Phenomenology), it is characteristic of Hegel that he chooses the perspective of particularity since it corresponds more closely to actual historical experience, i.e. to the historical development in which men, performing particular acts, come to recognize their own universal character as human actors. For our purposes, we need only indicate briefly the general features of this development.¹⁰

The lowest, most immediate mode of practical activity is titled Practical Feeling by Hegel. Practice is characterized at this stage as appetite. The ego finds before itself a multiplicity of objects, some of which satisfy its appetites and some which do not. The ego does not exercise any control over these objects or over its own needs. If a specific desire arises and the ego finds an object which satisfies this desire, its appetite is fulfilled and it is able to rest momentarily. The emphasis throughout is on fortuitous agreement between an object and a subjective need. Objectively the external world is a multiplicity of discrete objects, while subjectively the ego is shattered into a series of disparate needs, each satisfied in isolation from the others. At the most primitive level, the only feelings experienced are pleasantness and unpleasantness which arise out of the agreement or disagreement of an object with a subjective need. More complex feelings such as pleasure, joy, hope, pain and fear gradually develop and signal the increasing complexity of the practical life of the ego.

Gradually the ego learns to direct its activity in determinate ways. It is able to resolve on certain courses of activity in order to satisfy certain specific desires. The ego learns to discriminate amongst its variety of needs and to set about satisfying them in an organized manner. Its needs, instead of being simply there, an uncontrollable presence dependant upon circumstances beyond the control of the ego, now assume the form of impulses. Impulses in turn become further refined into passions, which indicate the ability of the ego to concentrate all its practical energy on the satisfaction of one particular need to the exclusion of others which may also be demanding satisfaction. Subjectively, the ego is discovering the self which persists through different acts, while objectively the world begins to appear as an organized whole which can be moulded in order to satisfy impulses and passions originating in a self-conscious self. The culmination of this stage is Choice.

In choice the above-discussed dichotomy between abstract universality (pure activity as potentiality) and abstract particularity (determinate, finite acts) becomes explicit. The ego is sufficiently self-conscious to identify the transcendental unity of the self which persists through its specific acts. Freedom is seen by the ego to depend on acting in an adequate, organized way. The impossibility of overcoming the abstract separation of universal and particular within this stage of development (corresponding to the logic of Understanding) renders arbitrary the attempts by the ego to act coherently. Judgement of the various possibilities for action which are available to the ego ultimately depends on the subjective inclinations of the ego and not on rational reflection. For example, moral

theories which attempt to order human actions towards the good, and yet accept this theory of human activity as complete, are forced into the demand for the "purification of impulses" in order to free human activity from its "subjectivity and contingency" (PR No. 19). Hegel has Kant in mind here since, in his view, Kant ultimately attempts to construct a moral theory based on the "arbitrary will" (Willkur).¹¹

If we do not hypostatize the notions of abstract universality and abstract particularity, but rather press on with our investigation of the development of the will, we discover that the ego itself abandons the fixity of these polar notions. The ego, forced to reflect on the variety of possible courses of action before it, develops standards for choosing among them. At first, one act is preferable to another because it brings more immediate satisfaction of some felt need. Gradually, however, satisfaction itself becomes an abstract goal of activity. Satisfaction in general, as a goal for ego, ultimately is identified with a state of self-fulfillment or happiness. The ego's activity is informed throughout by this universal goal. That is, "reflection (on happiness as universal) invests this material (specific acts) with abstract universality and in this external manner purifies it from its crudity and barbarity" (PR No. 20). Implicit in this development, however, is the concept of a self-determining universal. That is, happiness as a stage of development marks the dissolution of the absolute separation of universal and particular. That separation is challenged in the real practical life of man, where the ego recognizes that particular acts realize concretely the abstract goal of activity in general (happiness) while at the same time it preserves happiness as a universal goal through all

specific acts.

In presenting the development in this way Hegel accomplishes several important tasks which are vital to the comprehension of his political thought. First of all, he is able to demonstrate that the separation of universal and particular is only a stage in the development of the will. It emerges out of the chaos of practical feeling and is overcome in the practical struggle by the ego to inform its activity with value and coherency. The three main stages are summarized by Hegel as follows: 1) At the level of practical feeling the consciousness of the ego is bare sense-consciousness, in which it receives impressions of pleasantness or unpleasantness from an "external" object; 2) through practical activity the ego learns to discern the self which persists through the variety of particular acts and so to reflect on the infinite universality of pure activity in opposition to the finite particularity of specific acts; and 3) further refinement of reflection leads to recognition of the universal (happiness) as the object of practical life realized only through specific satisfying acts.

This summary establishes the second important conclusion for Hegel, namely that the universal which is the object of self-consciousness is a result of the development beyond the antecedent deficient stages and has absorbed them into itself. The universal "is what it is simply because it has absorbed in itself the immediacy of instinctive desire and the particularity which is produced by reflection and with which such desire eo ipso becomes imbued" (PR No. 21, Remark). (This point will become critical in the attack on Kant's moral theory which posited a pure will (Wille) in opposition to the impure, sensual will (Willkur), an attack which Hegel advances in the section on Morality

in the Philosophy of Right.) Hegel's method of examination allows him to argue that the universal, rather than abolishing "inferior" desire, transforms it into the desire for rational ends. That is, the rational free life is itself desired and specific desires become ordered towards this universal end (PR. No. 19).

The third point reminds us of the discussion of theory and practice. The progress from incoherent desire to the recognition of the universal which is realized through particular acts belies the abstract separation of theory and practice into opposed faculties. The dialectic of practical activity leads ineluctably to the transformation of practice by thinking intelligence. "The self-consciousness which purifies its object, content, and aim, and raises them to this universality effects this as thinking getting its own way in the will. Here is the point at which it becomes clear that it is only as thinking intelligence that the will is genuinely a will and free" (PR. No. 21, Remark). Hegel here revives his old polemic against the Romantics who would substitute feeling for thought as the surest guide to freedom. This unity of theoretical and Practical Mind Hegel titles "Free Mind". Through practical activity the will discovers the universal but this "universalism the will has as its object and aim (exists for will) only so far as it (will) thinks itself, knows this its concept, and is will as free intelligence" (Enc. No. 481).

Free Mind, however, is only the final stage in the development of Subjective Mind. The ego has, in the form of happiness, grasped the concrete universal which informs all practical activity. Practical activity which has happiness as its object is nothing other than the philosophical notion of the will and, therefore, the will is informed throughout by happiness. Will itself is recognized as a universal

which has itself for its object. That is, practical activity seeks to actualize the universal (happiness) and so it has itself for its object since happiness is the concept (universal) of will. The object of will is to actualize itself as universal (happiness) through particular acts (of will). This is the concept of will philosophically understood as a concrete universal. Recalling that freedom, for Hegel, is equivalent to perfection and complete self-fulfilment, happiness as universal is identified as true freedom. The will, therefore, has freedom for its object and, through activity, actualizes freedom in the world. Viewed concretely, the free will does not refer to the freedom of a will to choose to do this or that, but rather to a will which actualizes its implicit freedom through determinate, rational, practical activity.

It is the demand for concreteness, however, which reveals the essential limitedness of Free Mind and restricts it to the realm of Subjective Mind. The entire force of the argument in favour of the concrete universal is directed against the abstract separation of universal and particular which, for convenience, we may here treat as form and content. The concept of concreteness demands a content which is adequate to the form, e.g. for particular acts which actualize universal freedom. If the determination of which acts are adequate is left to the ego acting alone then the entire process becomes subjectively determined and open to the change of contingency and arbitrariness. This danger is inherent in the identification of the universal as happiness. Happiness is a vapid concept if left to the deliberations of individuals acting on their own. One man's happiness may clearly create misery for others. Happiness itself, the concrete universal, becomes a subjective concept mired in contingency. Free Mind recognizes the principle of freedom. It has before it a concept

of will as freedom which is implicitly rational. It is only implicitly rational because explicit rationality demands a content adequate to itself as form. It is that content which Free Mind cannot generate satisfactorily because it is still subjective. What is now imperative is to examine specific contents and to determine their rationality in terms of the form. In short, Free Mind has before it the concept of free will. It is now necessary to determine the content adequate to free will as concept, i.e. to discover the ways in which man must act if he is to live a free and rational life. The unity of concept (universal form) and content (particular acts) is the Idea, the Idea of freedom.

The demand for a content which is adequate to the will as concept creates a new tension between opposed notions, namely subjective and objective modes of freedom. The terms "subjective" and "objective" reflect a difference of emphasis in the treatment of the development (emergence) of the Idea of freedom, although they actually include within themselves the range of problems already discussed with respect to the notions of universal and particular, form and content. Subjective modes of freedom refer to those modes in which the individual human actor becomes the sole arbiter of what content satisfies his demand to be free. This "subjectivity" may assume various forms such as the "abstract universal" or the pure "form" of the will as pure undifferentiated capacity to act. In this form all determinate acts including all demands placed upon the subject by other men, are regarded as restrictions on infinite freedom. It may also appear in the form of experience in which the necessity of acting in determinate ways is recognized as the actualization of the concrete universal, but it is the subject alone who judges the value of the acts. "In general,

(subjectivity is) the one-sided form of the will for which the thing willed, whatever its content, is but a content belonging to self-consciousness (i.e. of an atomistic subject)..." (PR. No. 25). The objective mode of freedom refers primarily to the absorption of the subject by the object of his will. That is, the object of the will appears as the repository of freedom, as its concrete embodiment, and the freedom of the subject is secured to the extent that he appropriates it. Although this type of "wilful" behaviour may appear to the "external" observer as subjective activity, Hegel is adamant in characterizing it as "objective" because the active subject loses himself in the object. That is, the "universal" dimension of freedom is lost in the frantic attempt to appropriate objects which represent "real" freedom. The objective mode also refers to that type of experience in which the actor doesn't act according to the dictates of his own will at all, but rather obeys the will of another. This type of activity characterizes the lives of slaves and citizens of a totalitarian state.

Both moments, although abstract, contain a partial truth. Subjectively, true freedom must be seen to accord with the self-consciousness of the actors involved. That is, "everything which I am to recognize has also the task of becoming mine and attaining its validity in me" (PR No. 26, Addition). Objectively, freedom must become actual in the world and not remain an empty, subjective "longing" for freedom. In the Philosophy of Right Hegel attempts to describe the development of the Idea of freedom in which those two demands are synthesized. Free Mind, the highest stage of Subjective Mind, has as its object the concept of freedom. The Philosophy of Right is concerned with the development of freedom from concept to Idea, i.e. the

"development of the substantive content of the Idea--a development through which the concept determines the Idea, itself at first abstract, until it becomes a systematized whole" (PR No. 28). The book, at its most basic level, is about the will insofar as the "will's activity consists in annulling the contradiction between subjectivity and objectivity and giving its aims an objective instead of a subjective character, while at the same time remaining by itself even in objectivity" (ibid).

It is the development of freedom from Concept to Idea which Hegel's terms "Objective Mind". The title, however, should not mislead us into thinking that it is a development in opposition to Subjective Mind. Rather it is the fulfilment of the development of the latter, a fulfilment which cannot be attained within the limits of subjectivity alone. In Objective Mind, freedom becomes objective as the rational human world in which individuals are free. The individual is free, and knows the objective human world of rights, duties, laws and so forth as the substantive realm of its own freedom. Man does not lose himself in this world but fulfils himself in and through it. This complex unity of subjective and objective modes of freedom is a result of a particular process of development, a process which may be described as the search by man to create an objective world which actualizes his subjective, implicitly rational demand to be free. We are beyond the level of Subjective Mind since the ego recognizes the necessity to create a free, objective human world. This does not mean, however, that the line of development towards this world is direct and uncomplicated. The completion of the development must be seen as a result, a result which emerges out of antecedent deficient forms. The deficiency of those forms rests on attempts to actualize freedom within inadequate

or incomplete modes of experience. Although within each deficient form there are a variety of factors at work which prevent the form from being complete in and for itself, we may broadly group those factors under the headings of subjectivity and objectivity. That is, each major mode of experience examined in the Philosophy of Right which is discovered to be inadequate may be seen as deficient because it emphasizes one side of this dichotomy and more or less neglects the other. The dialectical advance through deficient modes creates increasingly complete forms of subjectivity and objectivity. Subject and object will be seen to develop together dialectically as the concept of freedom is actualized as Idea.

The development of Objective Mind may be regarded as a development of the concept of right. Indeed, Hegel's use of the term right (Recht) emphatically underlines the process of development of the Concept towards Idea. Hegel defines right as an "existent of any sort embodying the free will... Right therefore is by definition freedom as Idea" (PR No. 29). The term "Recht" is difficult to translate into English, for there is no corresponding single English word which adequately conveys its meaning for German philosophy. Ernest Barker, in a footnote to his English translation of Gierke's Natural Law and the Theory of Society defines it as follows:

"The same word Recht means a) a system of law existing objectively as an external norm for persons, and b) a system of rights enjoyed by those persons, as 'Subject' or owners of rights, under and by virtue of that norm. The same thing is both a system of law outside me, when I look at it objectively, as obligatory upon me, and a system of rights inside me, when I look at it subjectively, as belonging to me and as giving me a legal position. Objective Right is what we call Law; subjective Right is what we call rights. But the two are different sides of the same thing, like the obverse and the reverse of a coin."¹²

Barker's definition adequately captures the double sense of Recht and provides us with a starting point for our examination of the specific way in which Hegel employs the term. To begin with, Barker defines Recht in terms of a completed system of codified positive law which confers rights on individuals and guarantees those rights. Hegel's approach to right in the Philosophy of Right in a sense reverses this relationship between objective and subjective right. Hegel seeks to discover what is rational in the objective world and his answer, as we have seen is that it is in the objective world that man actualizes his substantive freedom. The development of objective institutions, customs, laws and so forth are, from the perspective of reason, specific developments of the substantive freedom of man. The concept of free will declares that all men have the implicit right to be free and demands the creation of a world in which human freedom is actualized.¹³ All institutions which advance this development advance this right to freedom and hence are existential embodiments of free will. It is this view of right which Hegel advances provisionally in paragraph 4 quoted at the beginning of this chapter, where he states that "the system of right is the realm of freedom made actual".¹⁴ Whereas Barker's definition emphasizes law as a guarantor of rights, Hegel's approach regards law as a specific embodiment of right insofar as law is a necessary stage in the development of the Idea. This does not refute Barker but rather states that, in Hegel's view, law itself must be understood as part of a rational development towards freedom, a necessary stage although not sufficient in itself to actualize freedom. Private property, for example, may ultimately be protected by positive law but the rational significance of private property does not flow from law but from the concept of freedom. Hegel writes:

"Every stage in the development of the Idea of freedom has its own special right, since it is the embodiment of freedom in one of its proper specific forms.... Morality, ethical life, the interest of the state each of these is a right of a special character because each of them is a specific form and embodiment of freedom" (PR. No. 30, Remark).

In the Philosophy of Right, Hegel attempts to investigate the entire rational system of right considered as the development of freedom from Concept to Idea. Further, in order to avoid a hopeless collision of "rights" (e.g. property vs conscience) he will attempt to describe the significance of different rights for the actualization of freedom and, where necessary, subordinate one to another according to their respective "degree" of rationality.

There are several points which must be raised now if we are to avoid several serious misconceptions about Hegel's treatment of Objective Mind. First of all, we have left the realm of psychology and the individual subject. The Philosophy of Right is an investigation of modes of experience which claim to be adequate for the realization of freedom by all men qua men, and not for men qua birth (Aristotle), or qua philosophers (Stoicism) or qua any other particular category which excludes great sectors of the population at large (Enc. No. 482). We are not looking for a theory which bases its conception of freedom on the "will of a single person in his own private self-will" but rather for that theory which bases freedom on the "absolute or rational will" on "mind as it is in its truth" (PR. No. 29, Remark). Secondly, we must reaffirm the fundamental proposition that the Philosophy of Right does not merely add the particular content to an already-completed form or universal. The concept of free will is only implicitly complete. The development

from Concept to Idea is to be seen as a dialectic of form and content, subject and object, universal and particular. The two sides of each duality develop together towards unity.

The method of the Philosophy of Right is similar to the method described in my opening chapter on the Introduction to the Phenomenology, modified slightly owing to the different object under examination. The Philosophy of Right describes the development of the concept of freedom, i.e. of determinate modes of human experience which actualize human freedom. The development is from the most immediate mode through increasingly complex ones culminating in the complete existential embodiment of the concept in a determinate human world. Inferior modes are inferior precisely because they are incomplete i.e. they are inadequate to the concept of freedom. The development throughout is an immanent one, in which each incomplete form is incomplete according to its own criteria of completeness and hence is forced to give way to more complete form. As in the Phenomenology, the Philosophy of Right involves a reconstruction of the different modes of experience and an examination of them according to their own internal logic. Further, the principles advanced for each stage correspond to some degree to positions adopted by political philosophers prior to Hegel who sought to describe ways in which man could be free. One of my goals in the thesis is to identify, where appropriate, those positions in an effort to heighten our understanding and appreciation of Hegel's monumental examination of the problem of human freedom.

At this point, we may note some of the problems involved in detaching Hegel's political theory from his general philosophical position. Hegel's intention in the Philosophy of Right is to discover

the immanent rational development of freedom from Concept to Idea. This chapter has described briefly some of the issues at stake in this development. The notion of an immanent development is almost meaningless unless we understand a few of the basic logical points which were discussed in the first chapter. The Philosophy of Right is intended by Hegel to provide more than a "rational" standard for the evaluation of certain political phenomena. It may occasionally be useful to regard Hegel's political philosophy as just such a standard, but it would do violence to Hegel's own understanding of his work. In his own terms, it would avoid the "hard task" of philosophical comprehension which is directed towards a grasp of the immanent development of the Concept. To neglect this is to regard "reason" as a "universal form" external to all particular content.

"To consider a thing rationally means not to bring reason to bear on the object from the outside and so to tamper with it, but to find that the object is rational on its own account; here it is mind in its freedom, the culmination of self-conscious reason, which gives itself actuality and engenders itself as an existing world. The sole task of philosophic science is to bring into consciousness this proper work of the reason of the thing itself." (PR. No. 31, Remark).¹⁵

FOOTNOTES TO CHAPTER THREE

1. Hugh Reyburn, in The Ethical Theory of Hegel (Oxford, 1967) pp.100-114, does have a brief albeit helpful discussion. See also: Jacob Fleischmann, "Hegel's Theory of the Will", translated from the Hebrew in Scripta Hierosolymitana, ed. by S. H. Bergman (Jerusalem, 1960); Eugène Fleischmann, La Philosophie Politique de Hegel (Paris, 1966); Bernard Quelquejeu, La Volonté dans la Philosophie de Hegel (Paris, 1972), pp. 215-230.
2. The most succinct statement of this view is advanced by Z.A. Pelczynski in his lengthy introductory essay to Hegel's Political Writings, TR. by T.M. Knox, (Oxford, 1964). On page 136 he writes that "Hegel's political thought can be read, understood, and appreciated without having to come to terms with his metaphysics". Shlomo Avineri's treatment in Hegel's Theory of the Modern State (Cambridge, 1972) appears to assume this view. Anthony Quinton, in a two-part review of new books on Hegel explicitly endorses this view in "The Hegel Craze", New York Review of Books, (May 29, 1975 and June 12, 1975). Raymond Plant has explicitly rejected this view in his Hegel (London, 1973), p.184.
3. I say "provisionally" because the demonstration ultimately depends on an analysis of the rest of the book.
4. The problem will be discussed in more general terms in the final chapter of the thesis.
5. The concept of "Geist", which is so central in Hegel's thought, is translated into English as either "mind" or "spirit". In my view, neither English word satisfactorily conveys the full sense of Geist as used by Hegel. In some contexts "mind" is preferable, while in others "spirit" is the better translation. In the pages

below on "Subjective Mind" I have decided to follow Wallace and use "mind". Hegel uses Geist in this section as synonymous with "consciousness" or the "conscious subject who seeks to know". Mind seems to me to convey more adequately the "transcendental subject" under investigation. Mind is capitalized to underline its technical sense.

6. There is little discussion of subjective mind in general and theoretical mind in particular in the secondary literature. See: Malcolm Clark Logic and System (The Hague, 1972) for a full treatment of the transition from "Vorstellung" to "Thought"; G.R.G. Mure "Hegel: How, and How Far is Philosophy Possible?" Beyond Epistemology ed. F.G. Weiss (The Hague, 1974); Bernard Quelquejeu, op.cit. pp. 160-173; Murray Greene, Hegel on the Soul: A Speculative Anthropology (The Hague, 1972).
7. Hegel distinguishes "Institution" from "Sense Certainty" (the equally immediate form of consciousness with which he begins the Phenomenology) because in the former mind intuitively apprehends a particular object, while in the latter mind immediately is presented with a "bombardment" of sense-data which it is unable to grasp in substantial form.
8. The comment on the posteriori nature of Hegel's logical discoveries is put forward only provisionally here. The subject will be discussed in full in Chapter 6 of the thesis.
9. cf. Hegel's own discussion of this confusion in Enc. No. 6, where he answers those critics who attacked the Philosophy of Right on just this point.
10. The development of Practical Mind is described both in the Encyclopaedia No. 469-482 and in the Philosophy of Right No. 11-21.

11. I will discuss Kant's opposition between "arbitrary will" (Willkur) and rational, holy will (Wille) in Chapter 5 of the thesis.
12. Ernest Barker in Otto Gierke, Natural Law and the Theory of Society 1500-1800, trans. with an introd. by E. Barker (Cambridge, 1934), p. 39, Note.
13. cf. Enc. No. 482 where Hegel states that it is the specific contribution of Christianity to world-civilization that it declares that man as such is "implicitly destined to supreme freedom". No other antecedent philosophy declared the universality of freedom for all men. Although Christian doctrine clearly refers to divine grace and "heavenly" freedom, Hegel in the next line draws out the secular implications and translates the universality into political terms.
14. Hegel's affinity to Aristotle is clear in paragraph 4 where he describes the system of right and freedom as a "second nature" emerging from mind. cf. Nichomachean Ethics, 1106^a 10, where Aristotle, after having shown that the virtues are not present initially in our nature but rather are the result of training and education, declares that they are states of character made objective. Hegel would substitute "freedom" for "virtue" and "implicit rationality" for "states of character".
15. Hegel discusses the invocation of reason as an "external" standard in the Phenomenology in the sections on "Reason as Lawgiver" and "Reason as Test of Laws". See PhG. pp. 301-313; PhM. pp. 439-453.

CHAPTER FOUR

ABSTRACT RIGHT

"Abstract Right" is the title of the first section of the Philosophy of Right. Before proceeding with an analysis of this section it would be useful to restate a few of the basic principles which we have examined and which are assumed throughout the Philosophy of Right by Hegel. First of all, the fundamental problem of the Philosophy of Right is to discover the ways in which human activity can create an objective order which actualizes human freedom. The emphasis is on the "objectivity" of the order. Hegel is not concerned here with those philosophical positions, such as stoicism, which deny the necessity of a free objective order for a free man.¹ Second, the activities or "modes of experience" under examination are those of self-conscious actors who knowingly act for the sake of their freedom. We are not concerned with the unintended consequences of actions performed by actual historical persons who remained ignorant of their role in advancing the actualization of the rational concept of freedom.² Third, the concepts of freedom and reason are inextricably linked and it would not be misleading to characterize the life lived rationally as the concretely free life.

The fourth point concerns the methodology of the Philosophy of Right and may be seen as drawing together the first three principles. As we have seen the rationality of any one "mode of experience" depends upon the completeness and coherency of that "mode" expressed as a philosophical position. If the reality of any one position contradicts the principles which explicitly structure it, then the position must be abandoned in favour of a more "rational" one, i.e. one which can take account of and resolve the contradictions of the antecedent position.

As in the Phenomenology the immanent development is from the most abstract (immediate or incomplete) level (mode) to the most concrete (mediate or complete) level. In the Philosophy of Right the examination of each "level" will involve a comparison of the systematic principles advanced on behalf of a specific mode of practical human activity aimed at actualizing freedom objectively with the "reality" created by this activity. The "actors" at each level are philosophical constructs whose practical activity is rigidly restricted to the explicit principles of action under examination. The "reality" they create is a philosophical construction based on a rational reflection upon the types of activity open to them consistent with the relevant principles. It is in this sense that the Philosophy of Right may be viewed as an examination of the modes of experience directed towards the creation of a free objective order. In all cases the question Hegel asks is whether the real experience (in this special sense) of the actors contradicts the claims to freedom which are advanced.

The examination of the principles structuring the mode of experience titled "Abstract Right" initiates the critical task described above. Abstract right refers to the principle that the individual, by virtue of his personality alone, is the subject of rights. "Personality essentially involves the capacity for rights and constitutes the concept and the basis (itself abstract) of the system of abstract and therefore formal right." (PR. No. 36) The apparently clear connection between personality and rights, however, may be misleading. While for us the connection may appear unproblematic, indeed obvious, for Hegel it is of profound importance. Unless we grasp this significance, Hegel's treatment of abstract right will remain somewhat opaque. Our understanding will be enhanced if we briefly trace the etymology of the

word "personality" and the way in which the relation between personality and rights has changed historically.³

The English word "person" derives from the Latin word "persona". The Latin word, in turn, is related to the Greek word "prosopon". The Greeks used the word to describe the masks worn by actors in the theatre and "prosopon" literally means "what is before the face". The masks in Greek theatre represented the characters portrayed by the actors, and the character represented in the mask was always kept very distinct from the character of the actor playing the part. In Latin, however, "persona" translates literally as "through-sounder". It was a feature of such theatrical masks to concentrate the sound of the actor's voice through the one available aperture, thus allowing the actor's voice to carry clearly throughout a wide and open theatrical space. But this latter designation of the mask introduces an ambiguity absent from the Greek designation since it refers both to the mask through which the sound is made as well as to the actor who produces the original sound.

This ambiguity allows for different applications of the word "persona". When it is restricted to identification of the mask worn it can quite naturally develop into a term employed when one wants to distinguish a specific role being played out by an individual from the individual himself. (This usage, of course, need not be restricted to the theatre.) On the other hand, "persona" came to identify the real character of an individual with the role he assumed. In theatre the actor, for example, becomes the character he is portraying, if only for a brief time. The role becomes, in a sense, real and the actor steps into the reality of the role and becomes the part. "Persona" comes to signify the very opposite of a mask, for the role

being played out (not necessarily a theatrical role) is viewed as real. Outside the theatre, "role" gradually becomes identified with status, and a man's status is seen to be expressive of his nature, or at least an essential aspect of it. The relation between the essential nature of a man and his particular status increasingly becomes viewed as a relation between roles. Thus Cicero writes:

"It is important to understand that each of us has been assigned by nature two roles (personae). One of these is common to all men in that we all share in reason and in that preeminence by which we are superior to the animals and from which all rectitude (honestum) and propriety (decorum) derive, and the rational procedure for discovering what our duty is. The other role is assigned to each individual... There are countless...differences between men's natures and characters but these differences are not blameworthy as such."⁴

This dualism, in itself, need not be problematic. In modern times we speak quite naturally of a person's status, or character, as expressive of something real about the person while retaining a residual notion of the "person as such" which subsists despite individual distinctiveness. The problems with this view of personality arose when the Roman lawyers based the Roman system of law upon it. A very brief survey of some of the main tenets of Roman law will indicate precisely what Hegel objected to in Roman law and, concomitantly, what he applauded in the modern break with this tradition.⁵ I realize that what follows is most incomplete and cannot pretend to be an adequate historical overview; however, my intention is strictly limited to identifying certain elements of Roman law which will shed light on Hegel's choice of starting point in "Abstract Right". Similarly, I don't claim that Roman lawyers based their reasoning on a consideration of the term "personality", but rather that the ambiguity in the term is reflected in actual Roman law. The justification for treating the two notions (personality and law) together rests

obvious importance which Hegel attaches to their connection.⁶

Roman law embodied three distinct concepts of law. The first of these is jus naturale and this referred to that body of law which was imposed on all mankind by virtue of a common human nature. There were varying interpretations of the scope of this law. Some lawyers, most notably Ulpian in the third century, treated it as a law which nature imparted to all animals including man, while others regarded it as referring exclusively to man. As Barker points out, jus naturale was not an actual body of law enforceable in the courts but rather denoted a way of regarding actual positive law, of providing a humane perspective from which positive law could be evaluated. "It is, in its essence, the Stoic ideal of a common law of all humanity, which is a law of Reason and Nature."⁷ The jus naturale is timeless and therefore is free from all considerations based on historical or contingent circumstances.

The second main division is called the jus gentium and it is the most difficult one to specify precisely. Theoretically the jus gentium referred to what was universal in all positive systems of law, regardless of the particular characteristics which distinguished the legal system of one nation from that of another. In so far as jus gentium embodied a form of universal reason common to all men it had a tenuous connection with jus naturale. Thus Gaius writes in the second century; "whatever... natural reason has established among all men, this is observed uniformly among all peoples and is called the jus gentium, as a kind of law which all races employ."⁸ By the third century Ulpian has widened the gap between jus naturale and jus gentium. From this time on the latter refers to the set of positive

laws which all nations had to establish as a result of actual historical experience. In Gaius the emphasis on natural reason suggests that, as a result of experience, nations were forced to discover and codify a set of universal, rational laws, i.e. laws which are, in some sense, natural. In Ulpian, however, the emphasis is on the utility of these laws for the well-being of the nation and he refers, therefore, primarily to the wisdom which accrues from experience rather than to a pre-existent body of law which awaits discovery by man. The view of Ulpian came to dominate Roman law. Thus Hermogenian writes; "By this jus gentium wars were introduced, nations marked off, realms established, rights of ownership distinguished, bounds set to fields, houses built, traffic, purchase and sale, letting and hiring and all sorts of obligations instituted..."⁹ In practice jus gentium was generally concerned with commercial transactions centered on the notion of contract. The Roman courts enforced this type of law equally and without distinction to both Roman citizens and foreigners.

The final body of law is the jus civile. This type of law referred exclusively to the positive laws enacted within individual nations and applied to the citizens of that state. "Whatever any people itself has established as law for it, this is confined to it alone and is called the jus civile, as a kind of law peculiar to the state..."¹⁰ The concept of jus civile remained relatively unchanged in Roman law. Thus Ulpian, who differs significantly from Gaius on the question of jus gentium writes; "The jus civile is a law which neither departs entirely from natural law or the jus gentium nor wholly follows it; and so when we add anything to or subtract it from the common law (juri communi), we create a law of our own, that is the jus civile."¹¹

There is general agreement that Roman law, while a great achievement in the history of civilization, was nonetheless rather shallow philosophically. The tripartite division of law, for example created a morass of philosophical problems despite its many noble sentiments. This confusion is most acute when we examine the legal treatment of slavery. From the time of Ulpian forward Roman lawyers explicitly maintained that, according to jus naturale, all men are born free and equal.¹² Actual historical experience, however, created the institution of slavery. This was codified and legally maintained in the jus gentium. Ulpian, for example, discussing slavery writes; "And though we should have been known by one natural name as men, under the jus gentium three classes appeared, freemen, slaves and a third class of freedmen who had ceased to be slaves".¹³ And in the Institutes the lawyer Florentinus is quoted as writing that "...the freedom by which men are called free is one's natural faculty of doing what is permissible for anyone to do provided he be not prevented by force or by law. Servitude, on the other hand, is a constitution (constitutio) of the jus gentium by which one is made subject, against nature, to the dominion of another".¹⁴

Clearly a conflict exists between the natural equality of jus naturale and the inequality and slavery of jus gentium. Historically, this disparity may be seen to rest on convention and contingency. The Roman lawyers, however, did not wish to reduce the rationale of jus gentium to contingency and conventional arbitrariness alone. They are, therefore, forced to maintain that although man by nature is free it is rational that some men be slaves. It is this type of contradiction which forced the Roman lawyers to subject the law to tortuous manipulation. Hegel was most perspicuous on this matter, as when he

writes; "Thus, in Roman law, for example, there could be no definition of 'man', since 'slave' could not be brought under it--the very status of slave indeed is an outrage on the conception of man ..." (PR. No. 2 Remark). The most salient feature of Roman law was not that it justified slavery but that it justified it despite its recognition of a universal human nature which contradicted this justification. "Now it must be obvious that it is perverse to treat the right of a specific person in his particular capacity before the universal right of personality as such." (PR. No. 40 Remark)

This "universal right of personality" must be more than an empty demand. It must be grounded on something substantive and universal in man. Further, it must be present in all men for if it is restricted to only a few then we are mired in the same problems and contradictions which plagued Roman law. This universality can only be reached if we abandon the categories of Roman law, and it is in light of this necessity that we must read Hegel's remarks to paragraph 40 in the Philosophy of Right. There he attacks the Roman classification of legal rights into jus ad personam, jus ad rem and jus ad actiones; that is, into rights relating to persons, things and actions respectively. His attack is carried out on two fronts. First, while rights relating to things appear to be universal, rights relating to persons depend on status. Thus, once again, we see how Roman law elevated contingent particularity (status) over universality (nature or reason). Second, and more interesting, Hegel tries to demonstrate that jus ad personam is really only jus ad rem at base anyway, and all attempts to maintain a separate identity for each indicate confusion.

His argument in support of this is very brief and somewhat

opaque but it is possible to give its general line of reasoning. Rights become objective in the form of laws. But law is restricted to regulation of the external actions of the legal subject, and must remain indifferent to particular subjective dispositions, talents, beliefs and so forth except as they are manifested in observable acts. At this level of abstraction, where the only possible actor is the legal person, all rights must be seen as rights relating to something external to the person. Now it is Hegel's contention that, from the legalistic perspective on rights, everything "external" to the legal person possessing rights must be considered a "thing", i.e. there can be no distinction between the right to a thing and the right to a person. With "non-persons" (slaves) there is no problem for they obviously exist as "things". The transformation, by Hegel, of "persons" into "things" is more problematic but it can be achieved in the following way. If a "person" has a right over the "personality" of another then he can be regarded as having a right over the totality of the other, in the sense that a master has a right over the totality of the slave. But this lands us back in the contradictions of Roman law which we have already examined. If his right does not extend to the totality of the other but only to some aspect--such as his labour power--then the nature of the right has changed. He now has a right only to that which the other can alienate as a "thing".

This conclusion is embodied, for Hegel, in the concept of contract. "Objectively considered, a right arising from a contract is never a right over a person, but only a right over something external to a person or something which he can alienate, always a right over a thing." (PR. No. 40, Remark) Hegel's argument is that, from the perspective of legality alone, people relate to each other as "things". What is necessary is a set of customs, mores, ethical

norms and so on which goes beyond abstract legalism, supplements it, and generates a concept of persons as more than just repositories of alienable "things". One of the primary aims of the Philosophy of Right is to discover those "extra-legal" elements and to determine the precise manner in which they contribute to the actualization of human freedom.

What is Hegel's intention when he criticizes the natural law tradition which has its origins in classical antiquity? To answer this question is to indicate the reasons why Hegel begins the main text of the Philosophy of Right with his discussion of abstract right. Hegel's arguments against the classical Roman tradition point toward the adoption of distinctively "modern" (as opposed to "classical") notions of right and law. The argument against the identification of personality with contingent status prepares the way for a concept of personality which is universal; that is, which applies equally to all men. The argument against transcendent "natural" systems of law establishes the necessity of a system of right and law which can survive the test of critical reason and has no recourse to appeals to a transcendent realm supported only by a system of belief.¹⁵

The rejection of those two primary tenets of the classical tradition marked a decisive break in the history of political and legal philosophy. It was Thomas Hobbes who first confronted the classical assumptions and set out a philosophy of politics and law which explicitly broke with the classical tradition. In Hegel's view, the "modern" break with the classical tradition was a major and significant event.¹⁶ It established certain basic principles which are the foundation of modern thought, and any attempt to construct a modern philosophy of politics and law must examine those

basic principles, even if only to ultimately reject them. The Philosophy of Right sets out to describe a philosophy of politics and so it cannot ignore the modern break with the classical tradition. Indeed, it is possible to regard the dialectic of Abstract Right as rooted in the ground first cleared and marked out by Thomas Hobbes.

In The Elements of Law Hobbes defines right in the following way: "It is not against reason that a man doth all he can to preserve his own body and limbs, both from death and pain. And that which is not against reason, men call Right, or jus, or blameless liberty of using our own natural power and ability. It is therefore a Right of Nature: that every man may preserve his own life and limbs, with all the power he hath."¹⁷ We may set aside for the moment the specific content of Hobbes' natural right in order to concentrate on two extremely important formal elements contained in the definition. First, Hobbes makes a radical break with the classical concept of nature as teleological. Nature, for Hobbes, describes man's basic condition, the original, irreducible, immediate facts of human existence. It does not, as in Aristotle, refer to what is "highest" and most noble. Nor does it, as in the classical tradition of natural law which goes back to the Stoics, refer to a transcendent order which exists independent of human knowledge or action. The right of nature, which "is not against reason", is discovered through rational reflection on the natural, primitive condition of man. By divesting nature of its teleology Hobbes succeeds in separating nature from reason. Hobbes denies the possibility of a transcendental, integrated totality of nature and reason, wherein rational human ends may be regarded as continuous

with the over-all structure of natural ends. Second, this notion of nature applies equally to all men and, therefore, the right of nature is universal and is a right of "every man". Thus Hobbes denies the validity of all attempts to ground natural rights on contingent status through his positing of a natural, albeit brutal, egalitarianism.¹⁸

Hobbes' break with the classical notion of natural teleology and his concomittant distinction between nature and reason was of great importance for the subsequent development of political philosophy. The ambiguity of the term "nature" was certainly recognized by Hegel, and he emphasized the possible errors which may arise as a result of confounding the different senses of the term. In his lectures on the Philosophy of Right he states that "on the one hand nature means our natural existence, us as we directly know ourselves in our various facets, the immediate aspect of our being. But over against this determination, and different from it, nature is also the Concept. The nature of a thing is the concept of a thing, what it is from the point of view of reason, and this can be something quite other than merely natural. Natural right is thus on the one hand the Right of nature, and on the other what is Right in and for itself."¹⁹

Although it was Hobbes who first developed systematically the implications of the modern concept of a nonteleological concept of nature for political philosophy it is really the development of content of natural right theory by John Locke which is of greater significance for our understanding of Abstract Right. It is beyond the scope of this thesis to give a detailed discussion of Locke's theory of natural law and natural right. Further, we need not

enter into the debates concerning Locke's relation to Hobbes.²⁰ For our purposes it is sufficient to merely list the main points of Locke's theory of natural rights in order to indicate their influence on Hegel's development of the principles of Abstract Right.

Locke, like Hobbes before him, asserts the applicability of his theory to all men. The equality of the state of nature, however, serves liberty and not licence. The state of nature is not, Locke claims, one of unrestricted right but rather of rights and obligations. The law of nature should be regarded as taking precedence over all natural rights and it enjoins obligation as well as grants entitlement. The law of nature is discovered by reason and is, itself, thoroughly rational. "Reason, which is that law (of nature), teaches all mankind, who will but consult it, that being all equal and independant, no one ought to harm another in his Life, Health, Liberty, and Possessions." ²¹ The law of nature, the apparent basis of all right and obligation in Locke, becomes for Hegel the "imperative of right", which is to "be a person and respect others as persons" (PR. No. 36). That Locke directly relates right and obligation in the state of nature is generally taken as a major move beyond the position of Hobbes, for in Locke rights are effective while in Hobbes they are not, owing to the constant threat of annihilation. Indeed, this connection between right and obligation has dominated subsequent treatments of the issues surrounding natural rights. Further, this obligation need not be a moral one for the connection to be maintained. Kant, for example, maintains the rational idea behind the connection while explicitly denying its moral content. He writes:

"Thus the universal law of right is as follows: let your external actions be such that the free application of your will can co-exist with the freedom of everyone in accordance with a universal law. And although this law imposes an obligation on me, it does not mean that I am in any way expected, far less required, to restrict my freedom myself to these conditions purely for the sake of this obligation. On the contrary, reason merely says that individual freedom is restricted in this way by virtue of the idea behind it, and that it may also be actively restricted by others; and it states this as a postulate which does not admit of any further proof."²²

Having posited the connection between right and obligation Locke proceeds to specify the content of natural rights. The first natural right is the right to the means necessary for self-preservation. This natural right of man to make use of those things "that were necessary or useful to his Being" Locke deduces from the natural desire of all men to preserve their lives; this desire in turn reflects the will of God.²³ The second right of nature is the right to freedom. Freedom is defined as the ability of men "to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man."²⁴ The law of nature serves as a limit to the actions of men, since it forbids interfering with the freedom of another person. It also sanctions punishment of those who transgress the law of nature. Hence the right to punish is sanctioned by Natural Law and is a natural right, up to and including execution of the wrong-doer.²⁵

The third major natural right in Locke is the right to property. Property originally denotes those things which are necessary for self-preservation such as food and, indeed, the right to property is deduced from the right to self-preservation or

life. For Hobbes, the right to the means necessary for survival is unfettered by any possible constraints. For Hobbes, this right even sanctions the taking of another man's life, for in the state of nature there "can be no propriety (property), no dominion, no mine and thine distinct; but only that to be every man's, that he can get: and for so long, as he can keep it."²⁶ In contrast Locke is most concerned to establish limits to appropriation. In his early Essays on the Law of Nature, Locke sets limits to the accumulation of private property in the course of his denial that the law of nature is based on the unchecked self-interest of individuals (Essay VIII). There he states:

"Nature has provided a certain profusion of goods for the use and convenience of men, ... they have not been fortuitously produced nor are they increasing in proportion with what men need or covet... Whenever either the desire or the need of property increases among men, there is no extension, then and there, of the world's limits... And so, when any man snatches for himself as much as he can, he takes away from another man's heap the amount he adds to his own, and it is impossible for anyone to grow rich except at the expense of someone else."²⁷

The limit to appropriation is a demand of natural law arising from the finitude of resources necessary for self-preservation. This is so despite Locke's recognition of the fact that men's needs (or greed) may push them beyond the "limits" to appropriation. Indeed, population increases may necessitate a reduction in each man's just share of available goods. By the time of the treatises, however, Locke had abandoned his attempts to set out the just limits to appropriation. This he accomplished through his introduction of the concept of labour. The relation between labour and property is described in the following way in the Second Treatise:

"... every man has a property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, hath by this Labour something annexed to it, that excludes the common right of other Men. For this Labour being the unquestionable Property of the Labourer no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others."²⁸

This does not, by itself, grant the individual the right of unlimited appropriation. The last sentence indicates Locke's concern, first expressed in his earlier essay quoted above, that the accumulation of goods not be at the direct expense of other men. He gets around this restriction, however, by claiming that labour, properly deployed, increases the stock of available goods. The labourer "does not lessen but increase the common stock of mankind."²⁹ There is one further obstacle which must be overcome before unlimited appropriation be deemed a natural right, and this concerns the problem of wastage. Since the right to property is deduced from the right to self-preservation it is clear that the stock of property, even in its increased amount must still be capable of providing the means to survival for all. If a man appropriates greater and greater amounts of private property he will have more than he could possibly use, and much of it would be wasted through spoilage. This would be an offense against the will of God, for God intended that the earth and all its products be used to maintain the well-being of man, and so wastage would be contrary to right. This problem Locke side-steps by arguing that man introduced money for the sake of accumulation without wastage. Through labour

and exchange man can accumulate more than he needs. Since the "exceeding of the bounds of his just property...(does not lie)...in the largeness of his Possession, but (in) the perishing of any thing uselessly in it",³⁰ man is faced with the problem of converting this "largeness" into something durable which can serve as a store of value. Money fills this role admirably since it does not spoil and "by mutual consent Men would take (it) in exchange for the truly useful, but perishable Supports of Life."³¹ As MacPherson has shown, the introduction of the two concepts of labour and money allowed Locke to remove the limits to accumulation of private property.³² One more point which is relevant here relates to the "covetousness" of man which Locke had once scorned. In his discussion of money Locke blithely writes that "...in the Beginning, before the desire of having more than Men needed had altered the intrinsic value of things, which depends only on their Usefulness to the life of Man..."³³ Man appropriated only what was necessary for self-preservation. This is in marked contrast to the method of Hobbes, who sought to ground political theory on a rigorous examination of the basic psychological principles which determined human behaviour. Locke, on the other hand, was not as rigorously consistent as Hobbes and this is nowhere made more clear than in the above quote where he neatly alters human motivation within the state of nature when such an alteration suits his purpose. Man at one time only looked to the utility of things as a measure of their value. Now he desires more for himself than is directly useful and yet Locke ignores the psychological shift and focuses only on the effect this shift of motivation has on the value of "things". The introduction of money permits Locke to circumvent the problem of wastage and there no longer exists a "natural" limit to appropriation within the state of nature.

It is the claims to freedom advanced by the proponents of natural right and natural law theory which Hegel examines in Abstract Right. More specifically, Hegel is concerned with the claim, made most notably by Locke, that freedom consists in the ordered and peaceful appropriation of the "things" of the world in the form of private property. This is not to limit Hegel's treatment of private property to an examination of Locke's doctrine, however, for Hegel does not hesitate to re-arrange and even restate the main doctrinal principles underlying the Lockean theory of private property. Despite this, I believe it is important to have before us the natural right and law context within which the right to property was first advanced in its modern form. It is to be hoped that the actual examination of Abstract Right will display the connections between Hegel and the modern theory of natural rights and laws.

Before we begin the examination proper one more point must be stressed. As we have seen, Hegel was well aware of the ambiguity for the modern mind of the word "nature". In a way, this ambiguity is heightened by the persistent reference in natural right theories to a "state of nature", for such "states" could be seen as referring either to the real, primitive condition of man or to a rationalist construction of a sphere in which man is viewed as having only those rights which could be attributed to him divorced from those rights which he could secure as a result of the "artificial" conventions of an established social and political order. The first interpretation is subject to the "historical" criticism which denies the reality, at any time, of such a state of nature and then proceeds to castigate all theories which base themselves on such an illusion. The second interpretation involves more substantive criticisms based on reflection upon institutions--such

as private property--which only have reality in a social setting. It argues that the rational individualistic notions which dominate "state of nature" theories are fraudulent in so far as they read social institutions back into a state which is pre-social.

Hegel's attitude to those two standard lines of attack is interesting. With respect to the former, he too would clearly reject any attempt to portray the state of nature as a real beginning, i.e. as historically real. "In connection with the idea of a state of nature in which freedom and justice are--or were--supposedly present in perfect form, we have already remarked in general terms on how the commencement of the history of Spirit should be interpreted in relation to the concept which underlies it." (RH., p. 131-2) Thus Hegel would reject any attempt to give an empirical, rather than a conceptual, beginning to history--at least to any history which purports to be a history of the development of human freedom.³⁴ But Hegel does not think that this is the only way to regard a "state of nature" as it relates to human freedom.

"If the word 'nature' denotes the being or concept of a thing, then the state of nature or the law of nature is that state or law which is appropriate to man by virtue of his inherent concept and of the inherent concept of Spirit. But this must not be confused with what the Spirit is in its natural condition; for the latter is a condition of servitude in which man lives by the institutions of his senses."
(RH. p. 98)

Hegel clearly believes that, despite the apparent confusions on this matter, the "states of nature" of modern theories of natural right and law attempt to grapple with the "concept" of man and not with man in his "natural condition".

Certainly this is the key to understanding the way in which Hegel treats natural right and law in the Philosophy of Right. Hegel

is examining how the concept of human freedom necessitates a specific objective order if it is to become actual as Idea. He has already demonstrated the necessity of an objective order. He has also accepted the modern notion that freedom must be grounded in man as such and not restrict itself to certain men on the basis of contingency. Abstract Right discusses the claim that the appropriation of the things of the world satisfies the requirements for objective human freedom. Since all men must equally have the right to freedom or none may have it, all men must equally have the right to private property, since private property is nothing other than objectification of freedom. Hegel does not refer to the right to private property as a natural right since this raises once again the ambiguity of the term "nature". The right to private property, for Hegel, is rooted in the philosophical concept of personality and is, therefore, a right which embodies that concept in an objective, determinate form. This does not conflict with Locke's claim, but rather clarifies it. Similarly, Hegel is not rejecting Locke's claims about the relationship between private property and freedom when he rejects Locke's deduction of the right to property from the prior right to self-preservation and the means to subsistence. "That everyone ought to have subsistence enough for his needs is a moral wish and thus vaguely expressed is well enough meant, but like anything that is only well meant it lacks objectivity." (PR. No. 49, Remark) Hegel here is only stating that the conceptual claim that freedom becomes objective in property cannot be based on the moral claim that men ought to survive. Locke here is only confusing the issue since he obscures the logical gap between conceptual necessity and moral belief. We might also add that, since Locke clearly distinguishes bare survival from freedom, he cannot derive the

latter from the former. Survival may be a pre-condition of freedom but freedom must be more than just surviving comfortably if it is to satisfy the demands of conceptual necessity.³⁵ This is underlined by the assumption of the Philosophy of Right, discussed above, that we are examining the experience of the self-conscious efforts by man to create a free objective order, and this assumption takes us far beyond the examination of the experience of man as he struggles for bare subsistence.

Our examination of the will demonstrated that freedom must not remain locked in subjectivity if the individual is to become free. From the perspective of the concept of freedom, and recalling the various assumptions at work in the Philosophy of Right, Hegel states that it is in the possession of property that man first "translates his freedom into an external sphere". (PR. No. 41). Personality is the most immediate, the most abstract determination of the individual since it describes the individual solely as the bearer of rights which permit him to act in certain ways in the world. It establishes an equality between all men as "persons" and disregards entirely the particulars which, from another perspective, serve as marks of distinction and uniqueness. At this level of immediacy, the only objects upon which the person may act are the "things" of the external world. The obligation "to be a person and respect others as persons" eliminates the possibility of extending the right to "things" to a right over other men. The strict limits imposed on the conceptual space in which man exists solely as a "person" eliminate, of course, the possibility of the person having a right with respect to social and political institutions. The abstract equality and conceptual stringency of Abstract Right are brought together by Hegel when he

writes; "...if at this stage we may speak of more persons than one, although no such distinction has yet been made, then we may say that in respect of their personality persons are equal". (PR. No. 49)

The "things" of the external world are similarly abstractly equivalent. From the perspective of Abstract Right there can be no qualitative difference between external "things" since all "things" acquire their "thinghood" solely by virtue of their being objects of personal right. Indeed, Hegel extends this "thinghood" even to those particulars which are unique to specific subjects in so far as they become objective in the external word. For example, personal right is indifferent to the intelligence which a writer may possess so long as that intelligence remains subjective. As soon as the writer produces a book, however, and the intelligence becomes objective in that book, it is a "thing" and embodies the rights of the writer as a person. "Attainments, erudition, talents, and so forth, are, of course, owned by free mind and are something internal and not external to it, but even so, by expressing them it may embody them in something external and alienate them (i.e. give them away or sell them), and in this way they are put into the category of 'things'." (PR. No. 43, Remark)

In Abstract Right the person alone has rights, while things have no rights at all. The basic right of the person is described by Hegel as the "right of putting his will into any and every thing and thereby making it his...". (PR. No. 44). Since things have no rights the person has a right to put his will into any thing he desires. This is the "absolute right of appropriation which man has over all 'things'". (ibid). This "absolute right" may itself be taken in two ways. If we regard it from the prospective of the

individual person who desires some thing, it grants him the right to gratify his needs. This is the perspective of Hobbes and, in mitigated form, of Locke for it can be seen as an expression of the right to self-preservation. Hegel, as we have noted, is concerned to reject this as the basis of the right to things. Instead he insists that property represents the embodiment, albeit in an immediate way, of the human will in an external form. That is, "from the standpoint of freedom, property is the first embodiment of freedom and so is in itself a substantive end". (PR. No. 45, Remark). Property is an end in itself, and not merely a means to a further end, because in property the will of the person becomes objective to himself for the first time. Property must be private property, Hegel argues, for the rationale of property is that it objectifies the will of each person and hence must be seen as the embodiment of this exclusive will. Not only would property held in common deny to each person the right to see his particular will explicitly objectified, but its distribution would also require constraints and structures which are beyond the limits of the conceptual space described by Abstract Right. The "absolute right of appropriation", based as it is on the prior claim that things have no rights at all, may offend the modern "ecologically-minded" consciousness; it must be seen, however, as entirely consistent with the strict application of the principles of Abstract Right. Hegel does state that the "specific characteristics pertaining to private property may have to be subordinated to a higher sphere of right (e.g. to a society or the state)... /but/ such exceptions to private property cannot be grounded in chance, in private caprice, or private advantage, but only in the rational organism of the state." (PR. No. 46, Remark). Prohibitions against tinkering with the concept of property apply also

to any attempt to impose limits on the amount of private property a person may possess. In Abstract Right men are equal but only as persons, "that is, with respect only to the source from which possession springs; the inference from this is that everyone must have property... But this equality is something apart from the fixing of particular amounts, from the question of how much I own." (PR. No. 49, Addition). Such questions cannot be asked in Abstract Right, but require principles of right which are more developed than those which regard the right to property as an objective embodiment of personality.

Hegel's actual treatment of property is quite conventional, at least from the perspective of traditional legal theory. He distinguishes three moments in the development of the concept of property; taking possession of the thing, use of the thing, and alienation of the thing. Each of those moments marks a modification in the concept of property. What is specifically Hegelian in this treatment is that each modification is "determined in the course of the will's relation to the thing". (PR. No. 53). That is modifications in the concept of property are related directly to stages in the dialectical development of the will. The dialectical tension rests on the contradiction between the universality of the will and the particularity of the objects available to it; that is, between the will's demand for universal satisfaction and its practical restriction to particular objects. The three moments in the concept of property are described by Hegel as, respectively, the "positive, negative and infinite judgements of the will on the thing". (*ibid*) Those three forms of judgement are grouped together in the Encyclopaedia Logic under the general heading "Qualitative Judgement". (Enc. No. 172-173).

It is not Hegel's practice to continually refer his readers to his other writings in order to increase their comprehension of the work before them. Because such cross-references could be made at almost any point in Hegel's works it is odd that he should choose to do so at this point. Whatever his motives for doing so, it is a welcome reference since it sheds light on the dialectic of will with respect to property and so I will employ it in the course of the discussion of property.

Taking possession is the first modification of property. Hegel writes: "Since property is the embodiment of personality, my inward idea and will that something is to be mine is not enough to make it my property; to secure this end occupancy is requisite. The embodiment which my willing thereby attains involves its recognizability by others." (PR No. 51). There are three distinct ways to signify occupancy. The first is through direct physical appropriation such as the grasping of a tool or a weapon, or physically occupying a parcel of land. The second way is through the imposition of a form on something through the agency of human labour. This includes not only the creation of objects out of inorganic materials but also the formation of the organic, such as tilling the soil or raising animals. Unlike the first way, possession through formation does not depend on the immediate physical presence of the owner. The alteration of the form is an objective sign of the labour which created the new form and this sign persists even when the owner is not directly present. The third way is to mark the thing in such a way that the mark is recognized as representing the will. Although all three ways involve marking the thing in some way, the last mentioned is the most complex since the mark employed only represents the will, whereas the first

two ways involve the direct physical activity of the will. Hegel's point may be somewhat obscure here, but it appears to state, simply, that the capacity to signify ownership through an abstract mark involves a more complex system of recognition and, therefore, of self-consciousness³⁶ than the other two.

This rather conventional description of the ways of "taking possession" should not obscure the dialectic of the will as it struggles to actualize freedom. Hegel describes "taking possession" as the "positive judgement of the will on the thing". Positive judgement is described in the Logic as the most immediate attempt to attach a predicate to a subject. The problem with this type of judgement is that it attempts to link a universal with a particular. With respect to the possession of property, for example, the positive judgement states that "the will is property". That is, the will exists objectively as property. But property must be "this property" or "that property". Property must always refer to particular property, because the will could not occupy and possess property in general, or property as abstract universal. The will on the other hand, even though it is the will of this or that individual, is universal. There may be particular acts of will, but the will itself, viewed as the capacity³⁷ to act practically in the world, cannot be exhausted in any one act. The will, therefore, cannot be confined to a particular piece of property and so the judgement can only express a partial relation and not a truth. The predicate (property) can only relate to one part of the subject (will). But the will, as universal, demands a predicate which does not restrict itself to a particular. Since according to the principles of Abstract Right, property is the objective actualization of freedom, the will must seek a new relation

to property. That is, it must establish a relation between itself and property in which property is seen to be "congruous with...(its) ...concrete nature...(as)...subject". (Enc. No. 172) The dialectic of the will in Abstract Right may be seen as propelled by the demand of personality (as will) to discover a form of property which is adequate to itself as universal concept, i.e. as free.

The second major modification of property is use. The use of a thing requires the expenditure of labour, in some form, on the thing in order to realize certain desired results. The emphasis is on the utility of the thing to the person who expends his labour upon it. There is nothing complicated or mysterious about this characterization of the second stage in the development of property. From the perspective of the dialectic of will, however, the use of a thing assumes some complexity. In "use", will negates the limiting of itself to a particular existent which results from the positive judgement of "taking possession". Property loses its character as the substantive embodiment of the will. Property is now seen only as a locus of specific utilities. The will is regarded as a locus of particular needs, desires, inclinations and so forth. The particular demands of the will are regarded as substantive and as ends in themselves, while property loses its substantiveness and acquires the character of a means to an end. Property has no significance other than as a means to an end which is determined by the will. In using a thing the will forces it to conform to its own demands and thereby negates the original substantiveness of property as established in "taking possession". This "negative judgement" accomplishes two things: first, the universal will becomes particularized as a locus of specific demands; second, property in general takes on the appearance of use-value in general, i.e. it assumes a universal character of utility since each

"thing" is "valuable" to the extent that it is useful in satisfying a particular demand of the will. (PR. No. 63)

The third modification described by Hegel is the "alienation of property". Property is "possessed" (it assumes the form of private property) when the will is put into it. Its character as private property depends on the presence of the will of a person and, therefore, when the will is withdrawn it loses its character as private, or as belonging to a particular person. The withdrawal of the will from the thing can occur through simple abandonment through renunciation, or through an exchange whereby a person alienates the thing and allows it to pass into the possession of an other person. Exchange generally occurs voluntarily, but it is possible to alienate things under force, even to the extent of alienating one's right to freedom (slavery). Things capable of being alienated in a free and voluntary manner include products of a particular "physical and mental skill and of (the) power to act". (PR No. 67). Hegel emphasizes the point that alienation of the power to act must be governed by considerations such as duration, reward and so on. If no such considerations exist and the person alienates all his power without restriction, then he is no more than the property of another, i.e. a slave. The type of judgement the will makes on the thing at this stage corresponds to infinite judgement. Infinite judgement expresses the complete incompatibility of subject and predicate. In alienation the will renounces the thing and returns to itself. Infinite judgement, Hegel acknowledges, gets its place in formal logic as a "nonsensical curiosity". (Enc. No. 173). Hegel retains it because, he argues, it exhibits "the proximate result of the dialectical process in the immediate judgements preceding (the positive and simply negative), and distinctly displays their finitude

and untruth". (ibid). With respect to property the infinite judgement accomplishes this synthesis in the following manner: "it is negative in that it involves spurning the thing altogether; it is positive because it is only a thing completely mine which I can so spurn". (PR. No. 65, Addition).

Although Hegel's introduction of qualitative judgement may appear both capricious and forced, we would be wrong to condemn him for it. The dialectic of will is propelled by the struggle for a free, objective order. The protagonist (if this is not an inappropriate term here) of this struggle is man considered as will. If will is to succeed it must create a world adequate to itself. The limits of qualitative judgement underline the limits of property as the objective embodiment of the free will. The free will as subject cannot be forced into agreement with property as predicate. There will always be remainder, since the free will is always more than a particular thing. We shall return to this point later in the discussion of the transition from Abstract Right to Morality. For now, it is worth emphasizing that Hegel's introduction of terms from his Logic helps to clarify the dialectical tension rather than obscure it. If we do not keep this tension clearly before us then the Philosophy of Right will lose its dynamic character and we will be unable to follow its path of development.

We have now examined the three modifications of private property which result from the three distinct ways in which will relates to its object (the "thing"). But the relations between an individual will and its object (property) do not exhaust the possibilities open to the will in Abstract Right. The very notion of private property, of this thing as "mine", demands the presence of the will of an other which is excluded from occupancy of the thing. Further, the security

of private property demands the recognition by the will of the other that the proprietor of the thing has a right to private ownership. In other words, the security of private property depends on the prior acceptance of the cardinal rule of Abstract Right to respect the rights of others. This is clearly not a moral demand, for it can be justified solely on the basis that without such recognition private property as such becomes insecure and unstable.

This moment of recognition is made explicit in contract. Contract at this stage (i.e. Abstract Right) is not a legal concept guaranteed by a system of positive laws. Hegel restricts contract to its most basic possible meaning. It refers to nothing more than the voluntary decision by two or more persons to come together for the purpose of exchanging private property. Indeed, it need not even involve exchange, since Hegel includes a voluntary gift from one person to another under the general category of contract. As we have seen, private property involves a dialectic of will which may remain completely hidden to the proprietor. Similarly, in contract the contractors may enter into an agreement out of considerations based on personal greed, on gaining an advantage over the other, on extending personal power and so forth. There is no necessity for good feelings and benevolence between the contractors. Nevertheless, contractual relationships involve a dialectic of the will which advances the development towards freedom.

Contractual relationships are formed between two or more proprietors of property. Before this is possible each contractor must recognize the rights of the other. Let us look at the example in which two landowners agree to exchange parcels of land. Each parcel of land embodies positively the will of its owner. Each also embodies negatively the will of the other, i.e. the status of each as private

property rests on the recognition by the other persons (wills) that it belongs to a person and, therefore, cannot be possessed. For exchange to take place, each owner must alienate his own property and take possession of the property of the other. From the perspective of the dialectic of will, this formerly positively-embodied will is now negatively-embodied since he has withdrawn his positive will from the thing while, simultaneously, recognizing the right of the other to embody positively his will in the thing. Conversely, the will of the other, which was formerly negatively-embodied in the thing, now becomes positively-embodied. For the exchange to take place an identity must be established between the wills of the individual contractors, that is, each contractor must will the exchange to take place. This identity between the different wills can be regarded as a willing common to both parties and in which they share equally. This common will, however, is formed only for the purpose of the contract. Indeed, the significance of contract is that it is the embodiment of this common will. This is not inconsequential, however, for the common will is binding on the contractors. The reciprocal recognition which precedes a contract, and the obligations (non-moral) which it imposes on the contractors, substantiate the rights of the person with respect to others. A contract, however, cannot embody a true universal will because the contractors only come together to exchange a particular, external thing. (PR. No. 75). They don't alienate their entire beings (slavery) and so the contract can only express a general agreement to exchange particulars. Neither is there any universal moral or ethical content to a contract. We shall see later how Hegel's strictly-limited concept of contract affects his view of "social contract theories". Hegel's classification of contracts is

clear and uncomplicated. He distinguishes between "formal" and "real" contracts. In a formal contract one contractor alienates his property and the other contractor takes possession of it. A formal contract is, in fact, a gift. It may be a gift in the conventional sense, or it may be a gift of some service for which no remuneration is demanded. It may involve the loan of something for which there is no charge--including, in the case of money, interest charges. In a real contract private property is exchanged. The contractors may exchange physical objects. They may exchange a specific physical object for some universal store of value, i.e. money. They may exchange the temporary use of a thing for money or some other consideration, e.g. enter into a rental agreement. This latter type of exchange would include a money loan on which interest is paid. Finally, a real contract can include the selling of labour for wages, monetary or otherwise. (PR. No. 80). In a real contract the contractors exchange property but do not lose their status as property-owners. Each seeks to at least maintain his position as a property-owner, if not actually better it, as a result of entering into a contract. Hegel points out that, in the case of real contracts, each contractor is really calculating his advantage in terms of an abstract universal concept, namely value. "Value is the universal in which the subjects of the contract participate." (PR. No. 77).

But we should not be misled by the occasional references to "universality" in connection with the discussion of contract. The parties to a contract enter into an agreement as a result of their individual calculations of self-interest. The contract "generalizes" those particular calculations, in order that an exchange of some sort

may take place. Because each party looks only to its own self-interest, and is, at best, indifferent to the interests of other parties, the whole notion of contract in Abstract Right is plagued by arbitrariness and contingency. There are no grounds, in Abstract Right, upon which a concrete notion of universality may be established. The concept of universality demands a rational comprehension of what is absolutely essential. With respect to the will, an adequate concept of universality must include a rational grasp of what must be present in human activity if that activity is to create a world of human freedom. Abstract Right maintains the rights of personality as the true universal. As we have already seen, the rights of personality amount to no more than the mutual recognition of the right to private property. Questions concerning the just distribution of finite resources, the proper use of private property, the role which contingency may play in the accumulation of wealth and similar questions, are matters of indifference to the principles of Abstract Right. Private calculation based on particular considerations is the operative mode of reasoning in Abstract Right. It is the very particularity of the practical reasoning in Abstract Right which belies its claims to universality. The only mediation of the particularity of private wills occurs in contract, but this is only a posited mediation which comes into existence at a particular time and place, concerns only one specific object, and passes away when the terms of the contract have been fulfilled. Hegel states that "this particularity of the will, taken by itself, is arbitrariness and contingency, and in contract I have surrendered these only as arbitrariness in the case of a single thing and not as the arbitrariness and contingency of the will itself". (PR. No. 81, Remark).

It is clear that contract cannot create a concrete universal. For example, a contract cannot be seen as resting on the prior notion of "promising" in the moral sense with its concomittant moral obligation to fulfil the terms of a promise. Moral concepts are excluded by the principles of Abstract Right. The only calculation prior to entering into a contract is whether it furthers the particular interests of the contracting parties. By extension, the only motive for fulfilling contractual obligations is based on self-interested calculation. The common will created by the contract appears to correspond to the (apparently universal) principle of Abstract Right to respect the rights of others. But that principle (and its respect) is similarly grounded in self-interest. It bears only the most tenuous formal connections with moral concepts, such as Kant's "categorical imperative". In practice, it is always open to the challenge that obeisance to that principle is a restriction of personal right. I choose to respect the rights of others because of a calculation that this respect is the best way of protecting my personal rights. But calculations of this sort are inherently unstable. If I believe that I can get away with abrogating another's personal rights--that is, suffer no personal consequences whatsoever for this transgression--then I may choose to do so and it is difficult to indicate what, if anything, could convince me to do otherwise. Abstract Right does not, in itself, maintain principles which overrule calculations based on self-interest. This becomes glaringly apparent in contract when one of the parties chooses not to fulfil his contractual obligations. Hegel terms this opposition of the particular will to the common will established by contract "wrong". Because the principle of practical activity in Abstract Right is particular self-interest, Hegel states that contract

constantly "remains at the mercy of wrong" (PR. No. 81, Addition).

Despite these limitations, Abstract Right does maintain that personal rights and the attendant principle of reciprocal recognition are universal. Although the universality may be only posited, and hence contingent, it does at least mark the first appearance of universality in the sphere of practical activity. Appearance (Erscheinung) is used here in the special sense of a limited, partial expression of the universal. The true universal, which may also be regarded as the essence or the concept, only becomes concrete as Idea. Short of this absolute stage, however, it appears in a variety of partial forms which may be ranked hierarchically with regard to their relative completeness and comprehensiveness. Contract is one such appearance and, although from the perspective of the Idea it is radically incomplete, it nonetheless does mark an advance in the progress of the concept. Even though the individual actor may choose to respect contracts on the basis of a calculation grounded solely on self-interest, the choice to respect them is better than the choice not to do so. The correspondence between the particular wills of the contracting parties and the principle of right embodied in the contract, even though the correspondence may be purely fortuitous, indicates a recognition of the limited universality of this principle of right. In bluntest possible terms, the self-interest which justifies obedience to the terms of a contract is higher than the self-interest which justifies breaking those terms. In the former case the principle of mutual self-interest is maintained between the parties, if only in a limited sense, while in the latter case the principle is consciously abrogated. Admittedly, the distinction is a rather fine one, but it is sufficiently real for Hegel to introduce the concept of wrong based

upon it. Indeed, the severity of the wrong is directly proportional to the degree to which the individual will sets itself against the limited universality of the principles of Abstract Right.

The first type of wrong discussed by Hegel is "non-malicious" wrong. In simplest terms, non-malicious wrong describes those cases in which a conflict of claims to property arise. The parties to such a dispute act in good faith. Each believes his title to a specific "thing" is legitimate. The disputants recognize the priority of the principles of right; the conflict is not over the legitimacy of the principle but rather over its application with respect to a specific issue. It is this type of conflict which normally comprises the "sphere of civil suits at law". (PR.No. 85). The invocation of the term "civil suit" may be misleading. Hegel is not saying that, in Abstract Right, non-malicious wrongs lead to civil suits decided by courts of law. In Abstract Right there are no courts and, indeed, there are no positive laws. Although the parties may recognize the principle of right, there is no recognized, mediating institution "of such a sort that in face of it the parties would have to renounce their particular interests and points of view". (PR. No. 86).

The second type of wrong is "fraud". Fraud may occur when real contracts of exchange are made. As we have seen, a contract posits a common will which mediates the exchange. What is common between the parties may be viewed in two distinct but inseparable ways. First, the parties must respect the principle of right if an exchange of private property is to be possible. Second, the parties desire to maintain their positions as property owners. Each agrees to the exchange because he perceives the exchange as advantageous. For such an exchange to take place the things to be exchanged must be made

commensurable, and this is accomplished through the introduction of the concept of value. Each represents his exchangeable item to the other as valuable for one reason or another, and it is the concept of abstract value which must be common to the parties if an exchange is to be possible. In fraud, one party represents his property as having a certain value, and then this claim of value is discovered by the other party to be false. For example, a person could artificially cover up the defects of his horse, present him as sound, and then exchange him for something equal in value to a healthy horse. Hegel labels this "fraud". An exchange has taken place, but it has been accomplished under fraudulent circumstances. From the perspective of right, Hegel claims that the wrong-doer, in perpetrating a fraud, negates the limited universality posited by contract. He exhibits no respect for what is posited as common between the parties, namely the principle of right and the concept of abstract value. Pushing his analysis further, Hegel maintains that, in fraud, the wrong-doer does recognize the particular aspect of right in so far as he does transfer some thing to the defrauded party. His status as a property owner is left intact. Admittedly, this "recognition" may be very cynical, but Hegel's point is that manipulation of the principles of right exhibits some sort of recognition of the power and force of these principles. Fraud cases would, under a system of positive law, be covered by criminal prosecution; of course, as in the previous type of wrong, no such system exists in Abstract Right.

The final stage of wrong Hegel labels "crime". The criminal in some way injures or coerces the will of another person. The will of the person, in Abstract Right, is embodied in private property. In theft, for example, the criminal not only steals a particular thing,

but he also negates the right of personality which is represented by the embodiment of a particular will in the stolen thing. The criminal, therefore, willfully negates the rights of his victim. He does not even make a pretense of recognizing the principles of right as was the case in fraud. He knowingly sets his own particular will against the "universal" principles of right enshrined in Abstract Right. In an apparently mystifying passage Hegel describes this willfulness on the part of the criminal as a "positive" act. (PR. No. 99). To understand this statement we must first of all contrast it with what is negative in the act of the willful criminal. In a criminal act, the criminal denies the rights of his victim. He denies the victim's right to private property. In the most extreme cases, he denies the victim's right to self-possession, i.e. to his own life which the criminal negates through an act of murder. Throughout the emphasis is on the sheer negativity of the criminal act. There is another side to the criminal act, however, and from the perspective of the dialectic of the will it is of major significance.

In Abstract Right, the universality of the principles of right is not substantive. The principles only have reality in the particular wills of the particular actors. The immediacy of this one-sidedness is evidenced most clearly in "taking possession" and "use". In "contract", the particularity of single wills is partially mediated through the positing of a common will. There is no necessity, no true universality, in the common will because it is seen to depend on the contingent and arbitrary wills of the contractors. In wrong, the opposition between universal and particular becomes explicit. The criminal, through his act, explicitly demonstrates that he believes his particular will is the only thing that matters. In trampling

over the rights of others, in denying their validity, he raises the principles of Abstract Right to the level of explicit universality, albeit as universals to be negated. The criminal's rejection of right as such necessarily involves his negation of the entire concept of right, of right as universal.

The opposition between universal and particular, which the criminal brings to light through his criminal act, has profound consequences for the principles of Abstract Right. Those consequences emerge in Hegel's discussion of punishment. Once a criminal act has transpired, the question of how to rectify the crime arises. The criminal act negates both the particular private property of a particular proprietor and the universal principle of right which is embodied in the proprietor's right to his property. Recompense for the victim is justified because of the particular harm he has suffered. But the absolute right of punishment is ultimately dependant on the recognition of the second moment of negation. In punishing the criminal the universality of right is re-established in opposition to the willful arbitrariness underlying a criminal's elevation of his own particular desires over universal right. This retributive element of punishment, in so far as it is a negation of the negation (of universal right by the particular arbitrary will of the criminal), is the ultimate justification of punishment.

But within Abstract Right it is precisely this universal element of punishment which is missing. Hegel states that the punishment of crime "in the sphere [Abstract Right] where right is immediate is principally revenge" (PR. No. 102). It is revenge because the party who punishes the criminal acts as a particular person motivated by particular interests. There are no courts of law, no

impartial policemen, judges or lawyers in the sphere of Abstract Right. In a rational political society those institutions are seen as representing the universal interests of the political society. In Abstract Right, punishment is meted out either by the victim of the crime or somebody else who has a vested interest in punishing the criminal. Punishment in Abstract Right is always "an act of a subjective will... whose justification, therefore, is in all cases contingent..." (*ibid*). Hegel continues: "Hence revenge, because it is a positive action of a particular will, becomes a new transgression; as thus contradictory in character, it falls into an infinite progression and descends from one generation to another ad infinitum." (*ibid*). Because there is no recognized legitimate, universal agency of retribution which is seen to act on behalf of universal right and not out of particular interest, justice cannot be seen to be done; punishment appears arbitrary (revenge) and may even appear as a new wrong (e.g. by friends or relatives of the criminal) demanding punishment, especially if the punishment does not suit the crime.

Abstract Right was represented as a sphere in which human freedom could be actualized. It contains a set of principles and it must not step outside the limits of those principles if it is to remain true to its original claims. The problem now facing advocates of Abstract Right is how to deal with the problem of punishment as it is posed by Hegel. There are two basic alternatives available at this point. The first is to devise a way of dealing with the degeneration of the sphere of activity based on personal right (criminal acts) consistent with the principles which structure that sphere. The second is to abandon the principles of Abstract Right and seek a more complete system of principles within which freedom is possible.

Historically, the most important attempt to follow the first alternative was made by John Locke. Further, it must be emphasized that the anarchy of crime and its punishment which Hegel describes follows closely the description which Locke advances of the degeneration of the state of nature. Locke grants every man in the state of nature the "Right to punish the Offender, and be Executioner of the Law of Nature".³⁸ Any man who acts against the freedom of another man, and that includes any act which threatens his life and private property, puts himself into "a State of War with him".³⁹ If one man does seek to act against another man's freedom, he is subject to the most horrible punishment. The arbitrariness of punishment in the state of nature is not at all hidden by Locke. He grants every man the right to punish another--even to the point of taking his life--for offenses which may be relatively minor. A thief, for example, may be executed even if he has not threatened his victim's life in any manner. Locke maintains that a thief does not respect the laws of nature and so he may be seen as entering a state of war against his victim. But there are no defined limits to a state of war and so the victim has the right to assume that the thief may eventually seek to murder him and, therefore, to put the thief, no matter how petty, to death.⁴⁰ It is clear that even the code of Draco could be seen as just according to such a notion of wrong and its punishment. But at least the Draconian laws were public and enforced equally. In the Lockean state of nature the thief may or may not be put to death, depending on the will of his captor. Punishment in the state of nature is, in truth, not punishment at all, but rather always assumes the form of revenge.⁴¹ The difference between "punishment" in the state of nature and punishment

in civil society is clearly identified by Locke.

"For want of positive laws, and Judges with Authority to appeal to, the State of War once begun, continues... To avoid this State of War...is one great reason of Men putting themselves into Society, and quitting the State of Nature. For where there is an Authority, a Power on Earth, from which relief can be had by appeal, there the continuance of the State of War is excluded, and the Controversie is decided by that Power."⁴²

Punishment of a crime in the State of Nature takes the form of arbitrary private revenge; in civil society it assumes the form of just punishment administered by a recognized, universal authority. Locke and Hegel are in close agreement on this point. The problem now is to get from a State of Nature to political society. It is here that Locke moves from a state of nature to the creation of civil society. The individuals in the State of Nature voluntarily decide to establish a government and to entrust to that government the powers of enacting legislation and enforcing positive laws through the monopolization of the powers of enforcement, prosecution and punishment. The government does not have absolute license in the area, for the citizens have the right to rebellion if the government becomes oppressive. On the other side every man who "has enter'd into civil Society, and is become a member of any Commonwealth, has thereby quitted his power to punish Offenses against the Law of Nature, in prosecution of his own private Judgement..."⁴³

Locke's intention here is quite clear. The question, however, is whether the fiduciary transfer of the right to punish criminals from private individuals to civil government can be justified philosophically. Hegel's answer is that it can not under any circumstances, even if the transfer of right be accomplished through a

contract. Locke claims that the individual renounces his right to punishment. Hegel claims that the individual in the state of nature cannot have such a right. Punishment can only be meted out by a recognized, universal authority. The "natural" individual may have the right to annul a crime, but such annulment is necessarily arbitrary. In the state of nature, the only motivation for action is particular self-interest. The universal has no concrete embodiment in any recognized authority; it appears only in an immediate and one-sided form as the particular wills of "natural" persons. The right to defend one's property and to take action against those who threaten or harm one's property, must be distinguished from the right to punishment, for this latter right can only truly be invested in a recognized universal authority. If this is the case then the "natural" individuals in Locke's state of nature cannot accomplish through the establishment of government what Locke claims for them, namely the voluntary transfer to government of the right to punish criminals. They cannot accomplish this because they do not have the right to punish in the first place, i.e. in the state of nature. Locke himself writes:

"For it being but the joynt power of every member of the Society given up to that Person, or Assembly, which is Legislator, it can be no more than those persons had in a State of Nature before they enter'd into Society, and gave up to the Community. For no Body can transfer to another more power than he has in himself..."⁴⁴

The state of nature, which is the sphere of Abstract Right, cannot be maintained because it descends into an anarchic state of war. The only resolution to this degeneration, within the principles of Abstract Right, is the establishment of a universal authority by means of a fiduciary or contractual agreement. But such an authority

is impossible since the particular wills which are party to its creation cannot transfer to it a universality which they do not possess. The only possible way out of this conceptual tangle is to abandon the restrictive principles of Abstract Right. This results from the recognition of the contradictions internal to Abstract Right between its principles and its claims to represent true freedom. Its principles cannot be stretched far enough to support the steps which must be taken if the State of War is to be ended. We must examine other principles to see if they can support the claim that the reality which they structure objectifies human freedom. The next stage of the Philosophy of Right is "Morality".

CHAPTER FOUR

ABSTRACT RIGHT

FOOTNOTES

1. Hegel deals elsewhere with the logical inconsistencies of such positions e.g. in the section titled "Self-Consciousness" in the Phenomenology.
2. This, of course, is the subject matter of Hegel's Philosophy of World History.
3. This brief survey is based primarily on the discussion of "Persona" by F. Max Muller, Biographies of Words and The Home of the Aryas (London, 1888), pp. 32-47. Hobbes, of course, has a brief discussion of the etymological origins of "Person" in Leviathan, Chap. 16.
4. Cicero, De Officiis 1.107, 109-110. Quoted in Robert Denoon Cumming, Human Nature and History (Chicago, 1969), Vol. II, p.18.
5. The main texts I have relied on for this survey are: Cumming, op.cit.; Ernest Barker's introduction to Gierke, op.cit.; Carlyle, R. W. and A. J., A History of Mediaeval Political Theory in the West (Edinburgh and London, 1970), Vol. I; C.H. McIlwain, The Growth of Political Thought in the West (New York, 1964); H. Maine, Ancient Law (London, 1906).
6. See PR. No. 40, Remark.
7. Barker, op.cit., p. XXXVII.
8. Gaius, Institutiones, I, i. Quoted in McIlwain, op.cit., p.122.
9. Hermogenian, Juris Epitomae, D, I, I, 5. Quoted in McIlwain.
10. Gaius, op.cit. I, I, in McIlwain, p.122.
11. Ulpian, Institutiones, D, I, i, 4, in McIlwain, p.127.

12. As Carlyle points out, there is no justification for claiming that Ulpian broke with an earlier tradition on the issue of slavery. Through the writings of the great Stoics--Cicero and Seneca--the Aristotelian claim of natural inequality was challenged long before the time of Ulpian. Gaius, for example, does not explicitly maintain a distinction between natural equality and conventional slavery but he does not deny it either, nor does he indicate at any point disagreement with the position later developed by Ulpian. See Carlyle and Carlyle, op.cit., Vol. I, pp. 45-54.
13. Ulpian, Inst. D, I, i, 4, in McIlwain, p. 126.
14. Institutes 1, 2, 11, in McIlwain, p. 129.
15. Hegel's discussion of "positivity" is most relevant here. "Positivity" refers to any system which orders human activity while remaining outside the scrutiny of human reason. The critique of "positivity" is one of the dominant themes of Hegel's early writings, although it remained implicit in his mature writings. The most important explicit critique of "positivity" in political terms is Hegel's article "Uber die Wissenschaftlichen Behandlungsarten des Naturrechts". This phase of Hegel's career has attracted much attention from scholars. Among the noteworthy treatments of this phase are: S. Avineri, op.cit.; R. Plant, op.cit.; G. Lukacs, The Young Hegel, Trans. by R. Livingstone (London, 1975); M. Riedel, Studien zu Hegel's Rechtsphilosophie (Frankfurt, 1969), pp. 42-47.

Footnotes cont'd

16. On this question in general see Leo Strauss, Natural Right and History (Chicago, 1968).
17. Thomas Hobbes, Elements of Law (London, 1969), ed. by F. Tonnes, Part 1, ch.14, 6.
18. ibid. 1, 14, 1-2; Hobbes, Leviathan, ed. M. Oakeshott, (Oxford, n.d.) Part 1, ch. XIII.

This passage is quoted in M. Riedel, "Nature and Freedom in Hegel's Philosophy of Right", Hegel's Political Philosophy, ed. Z.A. Pelczynski, (Cambridge, 1971), p.142. The reference in Riedel is to the introduction to Hegel's lectures on the philosophy of history (Die Vernunft in Der Geschichte ed. J. Hoffmeister). This is incorrect. The passage is from K. G. von Grieshams lecture notes of 1824/25 which have been published in Vol. 4 of Hegel's Vorlesungen uber Rechtsphilosophie 1818-1831, ed. K.-H. Iltung, (Stuttgart, 1974), p.76.

19. This debate centres on the issue of whether Locke was despite all protestations to the contrary, a secret proponent of the main vision of the state of nature first advanced by Hobbes, viz. the state of a war of all against all. cf. P. Laslett's introduction to his edition of the Two Treatises of Government (New York, 1965); Leo Strauss' chapter on Locke in Natural Right and History (Chicago, 1968); C.B. MacPherson, "Natural Rights in Hobbes and Locke", Democratic Theory (Oxford, 1973).
20. John Locke, Second Treatise of Government, ed. Peter Laslett (Cambridge, 1960), Section 6.
21. I. Kant, The Metaphysics of Morals, part I, "The Metaphysical

- Elements of the Theory of Right", Introduction, Sect. C.
translated H.B. Nisbet, Kant's Political Writings ed. H. Reiss,
(Cambridge, 1970) pp. 133-134.
22. John Locke, First Treatise of Government, ed. Peter Laslett
(Cambridge, 1960), Section 86.
 23. Locke, Second Treatise, Section 4. This freedom is later
declared (Section 17) to be a natural right of man.
 24. ibid. Sections 11 and 18.
 25. Hobbes, Leviathan, part 1, ch. 13.
 26. John Locke, Essays on the Law of Nature, ed. W. von Leyden
(Oxford, 1965), p. 211. cf. Second Treatise, Section 37.
 27. Locke, Second Treatise, Section 27.
 28. ibid., Section 37.
 29. ibid., Section 46.
 30. ibid., Section 47. I shall not discuss such matters as the type
of agreement necessary for the recognition of money as a store
of value. My purpose is not to criticize Locke but rather to
introduce Hegel.
 31. C. B. MacPherson, The Political Theory of Possessive Individualism
(Oxford, 1962), pp. 203-220.
 32. Locke, Second Treatise, Section 37.
 33. It is in this light that Kojève's interpretation of the master-
slave dialectic acquires its great force. There can be no
history of the struggle for human freedom unless the subject of
this history-man-knows himself as man and he first acquires this
self-consciousness in the struggle for recognition. See A.
Kojève, "In Place of an Introduction", Introduction to the
Reading of Hegel, trans. J. H. Nichols, ed. A. Bloom (New York,
1969), pp.3-30.

34. We can see this in Locke's distinction between liberty and freedom. Liberty is "to be free from restraint and violence from others" while freedom, which is not a "liberty for every Man to do what he lists", refers to the ability to "dispose, and order as he (man) lists, his Person, Actions, Possessions and his whole Property". Further this type of security with respect to life and property is only properly established with the advent of law and the political state. But this is only required when inequality of property has developed and, at this point, we are far beyond considerations based on bare subsistence. See Second Treatise, Sections 57-59.
35. I use the term "self-consciousness" deliberately in this context, even though it may appear out of place. I believe its use is justified, however, by a lengthy Remark to PR. No. 57. There, Hegel makes several interesting comments about slavery. He argues that all justifications of slavery ultimately rest on the claim that man is a "natural entity pure and simple". There is no conceptual necessity in such a view and so "arbitrariness is appropriate" to this way of thinking. The argument which states that slavery is absolutely unjust rests on the contention that man is free by nature. This second view does maintain that the concept of man is freedom and this is a major advance beyond the argument to an arbitrary "nature". However, it too is abstract and one-sided. As we have seen, "concept" for Hegel is only potential; it must become actual in the world as Idea. With respect to slavery the implication is clear; man must be willing to fight for his freedom, if necessary to die for it. It is

only in the struggle to become free that the concept becomes actual and slavery is recognized as an absolute injustice by all men. Before this can happen, however, the slave must cease to regard himself as a "thing". The slave must exist for himself as a person. He must possess himself for himself and thereby exclude all other claims to own him. It is this necessity for self-possession which prompts Hegel's comments. In the Phenomenology (which Hegel cites in this Remark) the struggle between master and slave is presented as the struggle for self-consciousness. As Hegel notes, the Philosophy of Right begins with Free Mind and so we are far beyond the struggle for self-consciousness between master and slave. Taking possession here refers to the embodiment of the free will in property. Nevertheless, its connection with self-possession serves as a reminder that the struggle to be free occurs at many different levels.

36. Of course, will is not merely potential. By "capacity" I am referring to the will as concept and the concept of will cannot be actualized in any one particular act of will but only in the free practical activity of the individual. To be sure, will is not an empty universal. What is required is a proper dialectical concept of the individual as the concrete synthesis of universal and particular. (cf. PR. No. 7 and my discussion of Individuality in Chapter Three of the thesis).
37. Locke, Second Treatise, Section 8.
38. ibid, Section 17.
39. ibid, Section 18.
40. On the distinction between revenge and punishment in Locke, see Jeffrie G. Murphy, Kant: The Philosophy of Right (London, 1970),

pp. 113-127. I agree with Murphy's careful analysis of the difference. I wonder, however, whether Locke was as ignorant of the difference as Murphy believes. Murphy states that Locke creates civil society solely for utilitarian purposes; in the case of punishment, because the government could administer law and punish offenders more efficiently. But Locke certainly indicates his awareness of the arbitrariness of punishment in the state of nature. If punishment may be arbitrary in the State of Nature, then can we maintain that utility alone is the reason for entering civil society?

41. Locke, Second Treatise, Sections 20-21. Locke, of course, would argue that there is a "universal" natural (rational) order in the State of Nature, even if there is no recognized universal authority (the government of a political state). The right to punishment can never be realized in the State of Nature since particular acts of "punishment" appear in the form of revenge, thereby initiating the inevitable degeneration of the State of Nature into a State of War.
42. ibid, Section 88.
43. ibid, Section 135. Locke could argue (see footnote 42 above) that the right to punishment in the State of Nature exists, it just cannot be acted upon (realized) without appearing as "revenge". Against this, Hegel argues more than the rather superficial point that a right which can never be realized is not much of a right; he argues that the right to punishment can not exist in the State of Nature become the concept of punishment demands a universal authority of the form which can not exist in the State of Nature. In the State of Nature there

may exist the right to defend yourself and your private property; but that right to "self-defence" is not the right to punishment. In other words, the distinction between punishment and revenge is conceptual and not merely a degree of efficacy.

CHAPTER FIVE

MORALITY

Abstract Right ultimately founders on the shoals of anarchic particularity. In line with the way in which we have characterized Hegel's methodology, we can describe the breakdown as the result of the contradiction between the "reality" generated by the principles of Abstract Right and the claims to freedom initially advanced on behalf of those principles. The contradictions revealed by the examination of Abstract Right cannot be resolved within the principles of Abstract Right. But this does not entail the wholesale condemnation of all that has been discovered to be inadequate. The dialectical advance beyond Abstract Right has, as its proximate matter, the revealed contradictions of Abstract Right. In the Philosophy of Right the section titled "Morality" succeeds Abstract Right. As we have seen, the Philosophy of Right describes the dialectic of the will in its struggle to actualize freedom. Therefore, we can appreciate the transition from Abstract Right to Morality more completely if we briefly recapitulate the dialectic of the will to the point where Morality first makes its appearance.

What is truly universal in the will is the concept of freedom. Abstract Right maintains that this universality is embodied in the rights of personality, i.e. individuals conceived in their particularity as persons. The universal rights of personality are manifested in the appropriative activity of particular property-owning persons. The universal is in no sense mediated by the particular; rather it is embodied immediately in particular acts of property appropriation. Contract does represent the universal rights of personality, but only in a partial form. As something common to both parties it is less

particularistic than the private wills of each party. As posited, however, it is subject to contingency and can never be more than an appearance of the universal. In contract, the immediate fusion of universal and particular which marked the stage of property is pried apart, and we now have a distinction between particular wills and a common will (i.e. an appearance of the universal will). In crime, the universal rights of personality are explicitly challenged by the particular will of the criminal. Universal and particular are in explicit conflict and, as we have seen, the breach cannot be healed within Abstract Right. The problem now is to discover a new set of principles which will enable universal and particular to be brought together in such a way that the result of this dialectical interplay is the free individual.

Criminal activity is not merely the last gasp of Abstract Right, for it also points the way forward beyond the limitations of Abstract Right. The open conflict between universal and particular reveals several important features. First of all, universal and particular rights are equally abstract when conceived in isolation. Second, their abstractness cannot be overcome because Abstract Right does not contain principles which can create the conditions necessary for mediation between universal and particular rights. Third, this abstractness, this separation, leads to their ultimate collision and conflict. Fourth, from the perspective of the particular person, the universal principles of right appear as an external restriction upon his right to self-satisfaction. The latent opposition between universal and particular rights is made explicit by the criminal act where the conflict between a particular demand and an external limit is resolved on the side of the particular. We have already noted the necessity of

establishing new principles of freedom within which universal and particular elements of the implicitly free will may be brought together. We now see that this is only possible if the particular will does not perceive the universal as an external limit imposed upon it arbitrarily.

The new set of principles establishes a new shape of experience, which Hegel titles "Morality". In Morality the individual appears as a subject. "Subject" is not used loosely here for it has a specific meaning, especially in contrast with the notion of personality. As we have seen, personality has "things" for its object and the rights of personality refer only to the "external" activity of the person with respect to both other persons and to things. The subjective dispositions, intentions, deliberations and so on are of no concern to the rights of personality. In morality, however, it is this subjective side of the individual which is considered important. The subject has itself for its object, and not some external "thing". The primary right of Morality is the right of the individual subject to determine (actualize) itself as subjectivity.

The concept (universal) of self-determination is difficult to specify in abstraction from particular attempts at self-determination. When we come to examine the dialectic of the moral will the concept will become more clear. We can, however, say a few general words about this concept. In Abstract Right, freedom as universal came to be identified with private property. Although this may be denied on the grounds that Abstract Right only guaranteed the rights of personality, we have seen that this denial cannot be maintained. Personal right in practice is the right to private property. Private property objectifies personal right and, thereby, objectifies freedom. But the result of

this transformation is that private property becomes the measure of freedom. Personal freedom has no reality unless the person owns private property. For the propertyless, freedom remains only an empty potentiality. But private property is subject to the arbitrariness and contingency of events such as natural disaster or crime. Since freedom is embodied in private property, it too is subject to arbitrariness. The problem facing the advocates of human freedom is the discovery of a mode of freedom which is secure from the arbitrariness suffered by the "persons" of Abstract Right. The response to this dilemma was the formulation of a concept of freedom which was securely embodied in moral subjectivity. The concept of freedom as self-determination appears to satisfy the demand that freedom not be alienable as a result of forces beyond the control of individual subjects.

The most basic presupposition of Morality is that there is a sharp distinction between subject and object, or between the particular moral subject and the world - natural and human - within which it must act. All activity of the subject is grounded in this distinction. Indeed, if this distinction did not exist, self-determination would be impossible. This becomes clear when we contrast Morality with Abstract Right. In Abstract Right individuals appeared only as property-owners. Their particularity was immediately objectified in property. There was no room for subjectivity within the principles of Abstract Right. The specifics of personality were of no consequence. Each person existed only to the extent that he was objectified in his private property. There could be no self-determination because there was no "self" to be determined. The self appears only as personality and personality explicitly ignores all subjectivity. The claims of subjectivity, the demands for subjective satisfaction, only emerge in the criminal act when

the criminal declares his subjective (particular) interest in the face of an abstract universal which is indifferent to such subjectivity.

In Morality the distinction between subject and object (world) does not depend on the activity of the criminal. Rather it is the basic presupposition of all free activity. The subject locates the principle of freedom within himself. In doing so, he draws a distinction between his subjectivity and the objective world which is "external" to it. That is, he negates the demands of the objective world upon him in order to ascertain the domain of subjectivity and to secure its integrity against all forces which may seek to impinge upon it. The limits which circumscribe subjectivity, however, are also a restriction or barrier for the subject. Within the domain of subjectivity the freedom of the moral subject is secure but empty. The subject must "transcend this barrier" if it is to give its freedom existence, i.e. actualize it as something objective and real in the world. In translating subjectivity into objective actuality the subject is most concerned not to lose itself in objectivity. It must maintain its integrity as a free subject willing its own freedom. We can view this as the problem of maintaining identity through difference. The identity of the self-consciously free subject is established initially as a self-identity within the domain of subjectivity. The objective world lies outside this self-identity; it is an explicit difference. The subject must act in this world, i.e. it must abandon the certainty of self-identity and act in a world which is different from itself. The challenge is to act in such a way that the integrity of the self is not shattered. This is accomplished through acting in such a way that the subjectivity of the subject is recognizable within the objective act. What is both subjective and capable of persisting through the objectivity of action is the

"purpose" or "aim" of the willing subject.¹

The subject, secure within its subjectivity, determines a course of action. This action is objective and yet, from the perspective of the subject, it is not an objectivity which destroys subjectivity. Rather, action is regarded as translating subjective purpose into objectivity. Action is not a restriction of freedom if the subject can keep its subjectively-determined purpose before itself as its object. That is, the subject acts in order to give itself objectivity and this objectivity is seen as a determination of the self. The integrity of the self, its freedom, is extended through activity, and not limited. The subject does not follow the rules of an abstract "external" universal when it acts, as was the case in Abstract Right; rather it recognizes the universal - freedom - as existing within itself, and knows that it actualizes this universal when it determines itself freely in the world. "The content as 'mine' has for me this character: by virtue of its identity in subject and object it enshrines for me my subjectivity, not merely as my inner purpose, but also inasmuch as it has acquired outward existence" (PR.No. 110, Remark). The integrity of the will as free subjectivity is maintained through the recognition of the subjective purpose of the will in the objective act. But this has a negative side as well, for the subject can disown any objective thing or act which does not realize its subjective purpose. Indeed, this provides us with the first general determination of the content of the right of the moral subject.

"In accordance with this right (of the subjective will) the will recognizes something and is something, only in so far as the thing is its own and as the will is present to itself there as something subjective" (PR. No. 107).

As the dialectic of the will progresses the moral subject will alter

the basic terms of its moral right, but all such alterations will be seen as attempts to hold true to the basic definition of moral right quoted above.

The dichotomy between subjectivity and objectivity which is presupposed in Morality can only be overcome through the activity of the moral subject. It is through moral activity that the subject transforms the objective world into the sphere of human freedom. To remain inactive is to be locked within an empty subjectivity which can only underline the subject's impotence and abstractness. Further, inactivity does not banish the objective world and this world (of nature and of man) will continue to flourish and to make demands upon the impotent subject. Inactivity, therefore, results in a surrender to forces beyond the subject's control, and this is precisely the situation which the principles of Morality are designed to overcome. The moral subject must act and in this activity we can distinguish three determinate characteristics which designate the activity as specifically moral. Hegel lists them as follows:

- "a) in its externality it must be known to me as my action;
- b) it must bear essentially on the concept as an 'ought';
- c) it must have an essential bearing on the will of others" (PR. No. 113).

Those three determinate characteristics are clearly formal criteria which the moral subject sets out as necessarily present in its activity if it is to regard this activity as moral. They are formal because they do not specify any particular content to this activity. The formality of the criteria, however, should not lead us into underestimating their importance. The dialectic of the moral will

must be understood as a search for a set of coherent principles which establish a specific mode of moral activity, thereby actualizing these formal criteria in particular moral acts. The true universal in the Philosophy of Right is freedom; the dialectic of the will throughout the book must be seen as a struggle to actualize this universal. In Morality the claim is advanced that freedom is actualized through activity which is consistent with the above-named formal criteria. Before turning to the attempts to determine what specific content satisfies this requirement we should examine the formal criteria in greater detail.

The first criterion should be quite clear. The abstract "objectivity" of the principles of Abstract Right has forced the particular individual to search within his own subjectivity for the principle of freedom. We have seen that the moral subject must act and that he maintains his subjectivity in the objective world by regarding the objective act as an objectification of his subjectively determined purpose or aim. The objective world is seen as the sphere of self-determination, and anything in that world which doesn't satisfy this demand is of no consequence to the moral subject. Hegel explicates this first formal criterion as follows:

"The content of the subjective or moral will has a specific character of its own, i.e. even if it has acquired the form of objectivity, it must still continue to enshrine my subjectivity, and my act is to count as mine only if on its inward side it has been determined by me, if it was my purpose, my intention; Beyond what lay in my subjective will I recognize nothing in its expression as mine. What I wish to see in my deed is my subjective consciousness over again."
(PR. No. 110, Addition).

The second criterion is always implicit in the moral will. In the third sub-section of Morality it is raised to the level of an

explicitly self-conscious principle. In that sub-section Hegel directs his critique of Morality to the principles first enunciated by Kant, and subsequently developed by various German philosophers and literary figures, most notably, and importantly, Fichte. Hegel's characterization of the moral philosophies of Kant and Fichte as the philosophies of what "ought-to-be" (Sollen) is well known, and I shall reserve my analysis of this notion of moral experience for my discussion of sub-section three. However, at this point we can examine why, with varying degrees of explicitness, moral activity always relates essentially to the concept as an "ought". It is possible to do this at a general level and refrain from examining specific moral theories.

This is most easily accomplished if we recall three general points about Morality which have already been established. First, Morality presupposes a dichotomy of subject and object. Second, the moral subject determines for itself the specific principles which, when translated into activity, will actualize freedom. To be free is to act so as to actualize certain principles and, hence, the concept of freedom becomes identified by the moral subject with the principles which determine what kinds of action actualize freedom. For example, if freedom is seen as the maximization of pleasure, then those acts will be performed which are deemed pleasurable by the moral subject. The concept of freedom is thus identified with the concept of pleasure, for the act which produces pleasure actualizes freedom. Third, the moral subject must act if he is not to remain impotent and, as we have seen, oppressed by an alien objectivity.

When we combine the three points we can see why Hegel characterizes all moral activity as involving an "ought" with respect to its concept. The only possible mediation of the subject-object

distinction is the moral activity of the moral subject. This activity must always aim at the actualization of the concept of freedom as it has been determined by the moral subject for himself, i.e. as pleasure, the good, or whatever. But precisely because of the radical dichotomy of subject and object, there can be no guarantee that the moral subject will actualize his particular concept of freedom. As we shall see when we examine the various attempts by the moral will to actualize freedom, the objective world may prove obdurate and indifferent to those attempts, i.e. the moral subject may fail in his attempts. Of course, as we have seen in the passage quoted from Hegel as a summary of the first criterion, the moral subject may only acknowledge those attempts which are successful while disregarding the failures. However, this only serves to underline the point that the moral subject, in distinguishing successful from unsuccessful acts, is really demanding that all acts ought to actualize freedom, even though this demand may be thwarted. As Hegel writes, "...the content's adequacy to the concept is still only something demanded, and hence this entails the possibility that the content may not be adequate to the concept." (PR. No. 111, Remark). If the moral subject is unable to actualize this concept of freedom then there are two courses open to him. He can maintain the legitimacy and coherency of his principles and try again and again to actualize them, regardless of the frustration he may feel at constant failure. Alternatively, he can reexamine his principles and alter them if he feels that they are deficient in some way, i.e. if he believes that the source of failure lies in the principles themselves and not in the obduracy of the objective world. The dialectic of moral experience will be seen to develop as a result of the adoption of this second alternative by the moral subject.

The third criterion is the most important from the perspective of Morality; that is, the presence of the third criterion is most important if the action of a subject is to be regarded as moral. The first criterion can be met by a willful subjectivity or a vicious selfishness which lives only for itself. The second may express nothing more than a constant and unabating desire that the world should be as "I" want it to be. There is nothing specifically moral about this. But the third criterion does invest the subject's action with moral worth and rescues the first two criteria from the possible charges against them. It is for this reason that the three criteria must always be present together, for the absence of any one of them will rob the action of its moral character.

In Abstract Right we saw that persons relate to each other as property-owners. Without this mutual recognition the rights of Abstract Right would be meaningless. The designation of a thing as "mine" only makes sense in a world where the notion of "mine" (as opposed to "thine") makes sense. Private property on a deserted island is unnecessary, for there can be no claims against the stranded islander's use of any thing.

In a populated area private property can only be a right if the concept of personal appropriation and concomitant exclusion of all other claims is recognized. Otherwise, the taking possession of a thing may be viewed as a theft from the common stock of things. In summary, a right can only be a right if there are other individuals involved and if there is mutual recognition of the legitimacy of the right in question.

Similarly, the rights of the moral subject can only exist within a context of mutual recognition. If rights are equally distributed then the recognition involved in legitimating a right must be between

equals. In Abstract Right, persons all equally possess the right to private property and, therefore, the right to private property is legitimated by an act of mutual recognition by persons (property-owners). In a political state the rights of a citizen rest on the recognition by citizens of the legitimacy of such rights. In the case of unequal distribution of right, such as obtains in a master-slave relationship, the equality of the participants need not be present. But in such a case recognition is not based on free will, but rather on some other factor such as power.² Now, the Philosophy of Right is concerned to follow the development of the free will as it struggles to give itself existence. But the free will is a universal concept and is not restricted to this or that class of individuals. We are concerned here with human freedom and so we cannot impose arbitrary or contingent distinctions between types of individual. The assumption throughout must be one of equality of distribution of rights. We recall that Hegel applauded modern natural right theories for assuming equality as their starting point. Therefore, the rights of the moral subject must be distributed equally. As we have seen, this requires the mutual recognition by equals of the legitimacy of those rights. In the case of Morality the individuals relate to each other as equal moral subjects and the rights of each moral subject are grounded on the mutual recognition by moral subjects of the legitimacy of those rights.

But what, precisely, transforms the activity of subjects into moral subjects? The answer to this is stated by Hegel as follows; "the achievement of my aim, therefore, implies this identity of my will with the will of others, it has a positive bearing on the will of others." (PR. No. 112). We have seen that the first two criteria may

describe nothing more than selfishness. What distinguishes the moral subject from the selfish man is that the moral subject does not act for the sake of selfish reasons. When he does something, he does not say (or believe): "I do it because I want to gain some personal advantage". Rather the moral subject will say (and believe): "I do it because I ought to do it, and I ought to do it because I have a human duty to perform this act". The moral subject always acts for the sake of the universal, even if this universal is discovered through subjective reasoning and not through public discourse. That is, the concept of freedom which the moral subject determines for himself imposes a duty upon him to act in a certain way. It is a duty because the moral subject ought to act in this way if he is to actualize human freedom. Of course, in actualizing human freedom he is also actualizing his own freedom, but this does not contradict the claim that he is acting unselfishly. The actualization of his own freedom is only possible, from the perspective of Morality, because he acts for the sake of universal human freedom. Further, the moral subject does not live in a private universe. He genuinely acts for the sake of the true universal (as he perceives it) and so he regards himself as intimately involved in the welfare of others. By his example, and possibly through his exhortations, he wishes to demonstrate to others the truth of his moral vision. Hegel contrasts this with Abstract Right, in which persons only relate to each other negatively. In Abstract Right the negativity of interpersonal relations is made explicit in the prohibition against interfering with the rights of others. Each person is concerned only with his welfare. The welfare of others is of no concern and it is a matter of indifference whether one person's actions affect, either beneficially or adversely, the welfare of other persons, subject always to the prohibition against

infringing upon another's rights. In Morality, however, "the welfare of others too is in question, and this positive bearing cannot come on the scene before this point". (PR. No. 112, Addition).

When we take the three criteria together now we can see how they specify a uniquely moral act. The moral subject determines for himself the content of the universal concept of freedom. It is universal because it represents true human freedom to the subject and not merely subjective caprice. This concept of freedom in turn specifies particular types of activity and these appear to the moral subject as duties. He ought to act in a certain manner and the objective world ought to conform to his subjectively-determined aims because in this way human freedom is actualized. He must not lose himself in his activity for he can only actualize this subjectively-determined concept of freedom if he can realize his aim in the objective world; and he cannot know whether he has done so unless he can see his aim objectified before him. He retains the right to disown anything which does not objectify his intentions, for actual freedom is only possible if his intentions are objectified. Hence to renounce anything which does not meet this standard is not an act of selfishness but rather the courageous act of denying the validity of the sphere of unfreedom and oppression by alien forces. Indeed, selfishness is never a motive for the moral subject. On the contrary he cares deeply for the welfare of others and is always concerned to impress upon them his genuine desire to advance the cause of human freedom.

Before proceeding to an examination of the dialectic of the moral will we should note a few features of the transition from Abstract Right to Morality. We have already discussed at some length Hegel's characteristic method. We recall that a balance must be struck between

two opposite conceptions of this procedure. The first naively maintains that Hegel is only sitting back and passively describing the dialectical stream which flows before his eyes. The second cynically asserts that Hegel consistently manipulates the material before him in order to cram it into logical boxes constructed according to some mysterious a priori blueprint. The balanced view which was outlined in the chapter on method can, I believe, account for the difficulties encountered in the transition before us. Abstract Right attempted to describe an objective mode of experience which could satisfy the demand to actualize human freedom. It failed, but its failure was not a complete loss. In the criminal act the latent opposition between subject and object became explicit. Morality, or the attempt to describe a subjective mode of experience which actualizes freedom, is the result. How smooth is this transition?

It would be a mistake to trace the transition in terms of the altered consciousness of the criminal. That is, the criminal opposes his subjective desires to an abstract universal. With the discovery of Morality, he realizes that universal freedom is the true substance of his subjective will and is not to be found in the abstract and contingent rights guaranteeing private property. The universal law which now imposes a duty upon him is a law of his own making and in doing wrong he breaks his own law and denies his own substantive freedom. This view of the transition is reinforced by Hegel's discussion of punishment where he maintains that the rightness of punishment requires the recognition that the criminal denies his own freedom when he breaks the law. Such recognition, as we have seen, is impossible within Abstract Right. Morality therefore can be smoothly introduced as the attempt to discover

this truth.

This portrait of the transition, while not wholly false, can be seriously misleading. It is misleading because it appears to present a change in metaphysical principles in terms of a psychological shift undergone by the "criminal" of Abstract Right. The criminal recognizes the error of his ways by discovering that the universal is his own law of freedom and not something alien and abstract. But the only law before the criminal in Abstract Right is the universal principle of personal right as it affects private property. Therefore the transition presented strictly from the perspective of the criminal can only lead us to the point where he accepts the universal principles of Abstract Right as the substantive basis of his freedom. Clearly this gets us nowhere. It certainly precludes the possibility of moral subjectivity as we have so far described it. Further, this view is forced to present Morality as a development of the positive principles of Abstract Right, for all we now have is an altered perspective from which to view these principles.

It is much more helpful to view the transition as taking place "via the path of the negative". Abstract Right develops the modes of objective experience to their limit. The one-sided objectivity of Abstract Right becomes explicit in the criminal act. Morality explores subjective modes of experience. Rather than present this transition in terms of the alteration in the consciousness of a criminal it is far more accurate to regard it as necessitated by the movement of the concept of freedom itself. The transition is not smooth positively, but it is comprehensible negatively. The opposition between subject (the criminal) and object (right as private property) which is the logical outcome of the one-sided objectivity of Abstract Right demands a new set of

principles to structure the mode of experience in which this opposition can be overcome. The criminal act demonstrates the ever present demand by the active will for recognition and fulfillment of subjectively-determined needs and desires. It is, therefore, logically defensible to search for principles which satisfy this demand. Morality contains such principles. These must not be viewed as a simple extension, or linear development of the principles of Abstract Right. They are principles which explicitly negate the limitations of Abstract Right. But this negation is a determinate one and we must not forget that the principles arise as a projected solution to the impasse reached as a result of the examination of the deficient principles which preceded them.

When we present the transition in terms of the creative determinate negation of Abstract Right we see that it is logically defensible in so far as Morality opposes subjective modes of experience as the sphere of freedom to the one-sided objectivity of the modes of experience described by Abstract Right. We still have the right, however, to ask where the new principles come from. We have already rejected the notion that the criminal somehow creates them for himself, since, at the very least, this is self-refuting.³ The answer lies in Hegel's characteristic method of systematically ordering the theories of freedom which have already appeared. In Abstract Right his starting point was modern theories of natural rights and laws. In Morality we are clearly on the terrain which was mapped so thoroughly by Kant. We should be careful, however, not to identify Kant alone as the protagonist of Morality. The Kantian theory of moral self-determination does not appear until the third sub-section of Morality. Hegel was miserly in identifying the actual philosophical

sources of the theories which he examined. When we examine the actual dialectic of moral will we will have occasion to refer to some of the more obvious theories which occupied Hegel's attention. At this point, we need only note that the concept of freedom as moral self-determination was widely propounded by Hegel's philosophic predecessors and contemporaries. Philosophical debate was centred more on the problem of what principles truly realized this concept rather than on whether the concept of moral self-determination itself was valid. Various theories of moral self-determination were formulated by philosophers in an attempt to establish the formal criteria which must be present in a mode of experience which could actualize human freedom. Although philosophers differed in their views of which modes of experience were adequate to the concept of freedom, there was general agreement that freedom could only be regarded as actual through the self-determining activity of the moral subject. The development of such a concept of freedom is seen by Hegel as a real development. That is, those philosophers had thought through the limitations of a one-sided objectivity and were engaged in the important work of advancing the concept of freedom itself. The subjective turn was a real advance in the search for a true concept of freedom and Hegel presents it as such in his transition from Abstract Right to Morality.

The first mode of experience of the moral will is described by Hegel as "Purpose and Responsibility". The presupposed dichotomy of subject and object is overcome through the purposive activity of the moral will. The objective world is a "complex environment" which is independent of the will of the moral subject. "Independence" in his sense refers to the fact that many of the events and "states of affairs" (both natural and "human") of the objective world are beyond the control of

the particular moral subject. If this independence were insurmountable the moral subject could never objectify his freedom. It is surmountable only to the extent that the moral subject can alter the objective world in order to actualize his subjectively determined purposes. Because the dichotomy of subject and object can never be completely overcome, the objective world can not be altered completely as a result of purposive activity.⁴ This does not appear as an irreconcilable dilemma to the moral subject for it is a fundamental principle of Morality that the moral subject need only acknowledge those objective events which are directly a result of his purposive activity. In general, the moral subject "has responsibility...for its deed in so far as the abstract predicate 'mine' belongs to the state of affairs so altered." (PR. No. 115).

The relation between purpose and responsibility defines the right of the moral subject in this mode of experience.

"The will's right...is to recognize as its action, and to accept responsibility for, only those pre-suppositions of the deed of which it was conscious in its aim and those aspects of the deed which were contained in its purpose. The deed can be imputed to me only if my will is responsible for it - this is the right to know." (PR. No. 117).

The question is whether activity based on this right can actualize freedom. Hegel's answer is no, and he defends his view in the following way. The purpose of the moral subject is always particular to this or that felt need. This particular purpose is translated immediately into objectivity through action. This action, is itself particular with respect to the objective world. That is, the action aims at altering some particular aspect of the objective "complex environment". But the complexity of this environment is not suspended as a result of the subject's activity. It persists and the fact of its persistence

negates the simple particularity of the act. The act, once committed, enters into the complex environment and becomes part of it. The subject cannot maintain the pristine purity of his activity for, in its objectivity, it is vulnerable to an objective dynamic which is beyond the subject's control. His act is subject to forces which may negate it or, at least alter it. His act, once it is part of the objective environment, may initiate new events which were not foreseen by the subject. In short, the activity of the moral subject is affected by, and has consequences for, the objective world in ways which are beyond the subject's control. The attempt to determine the limits of responsibility becomes impossible because of the particularity of each purposive act. The subject is endlessly forced to accept responsibility for this consequence of his action but deny responsibility for that one - ad infinitum. The objective world appears as a chaotic play of destructive forces; the subject is reduced to a frantic search for what is truly its own in a world which appears to it as a denial of its right to freedom. The impossibility of maintaining the particularity of purposive action in an alien world requires the moral will to develop a new set of principles.

The mode of experience which embodies new moral principles is titled "Intention and Welfare". The particularity of purposes and acts in the previous stage cannot be maintained because the "complex environment" necessarily encroaches upon and ultimately destroys the "purity" of the acts when they take their place in the objective world as events. Since solipsistic retreat from this dilemma is not a possible solution⁵ the only way forward for the moral will is to attempt to impose some order on the chaos which oppresses it. The complex environment of the previous stage is oppressive precisely

because it is not subject to some organizing principle - a principle which is known by the moral subject. The moral subject in "Purpose and Responsibility" had assumed the complexity of the world without attempting to understand it. Therefore, any interplay between the objective environment and the particular act is mysterious and marked by contingency. The moral subject must overcome the alien and arbitrary appearance of the objective world and it is Hegel's contention that the principles of intention and welfare attempt to accomplish this goal.

As we have seen, the chaos which appears to constitute the reality of the objective world is mirrored in the chaos of subjective confusion and frustration. Any attempt to establish order must, therefore, be effective at both the subjective and objective levels. Let us examine the attempt to organize the subjective purposes of the moral subject into a coherent whole. Each purpose of the moral subject of "Purpose and Responsibility" appears as a particular, divorced from all other purposes. But each purpose implies two distinctive moments: There is the specific content, such as the desire to satisfy this particular need; and there is the abstract form, which is purposiveness in general. This general form appears in all purposive activity. The moral subject may regard "I will X" and "I will Y" as two distinct and separate particular purposes, but they are not absolutely separate for both embody the general principle of "willing" something. Recognition of this universal form does not destroy particular purposive acts; rather it is seen as that by virtue of which purposive activity has any sense whatsoever. The universal concept of purposiveness informs particular acts and invests them with a meaning for the moral subject which they would not otherwise have. Hegel terms purposiveness - as - universal

"intention", and he describes the transition from "purpose" to "intention" as the recognition of the "universal which is conjoined" with the "particular action". (PR. No. 118 Addition). The recognition of intention does not depend on the importation of an alien concept and the subsequent grafting on of this concept to a complex of particulars. Rather, the moral subject is forced to retreat from the chaos and confusion generated by its attempt to find meaning in a series of discrete particular acts and, in this retreat, is forced into a more profound view of its own subjectivity. Hegel writes:

"The truth of the particular, however, is the universal; and what explicitly gives action its specific character is not an isolated content limited to an external unit, but a universal content, comprising in itself the complex of connected parts. Purpose, as issuing from a thinker, comprises more than the mere unit; essentially it comprises that universal side of the action, i.e. the intention. (PR. No. 119).

Intention is the universal which is embodied in all purposive activity. It is intention which invests all particular acts with a coherency which they would otherwise lack. But intention is not an empty, abstract universal. It expresses the universal concept of moral activity for a particular moral subject. The use of the term "particular" to describe the moral subject in this context reaffirms the first pre-supposition of the moral will, viz. to act in a way which actualizes his own subjectivity. Intention expresses the universality and coherency of moral action, but it is the particular moral subject who provides the content for this universal. (PR. No. 121). For example, the moral subject may determine that pleasure is the true end of activity, and freedom consists in maximizing pleasure and minimizing pain. The concept of intention states that the particular moral subject self-consciously seeks to actualize a coherent plan of moral action - in

this case, to maximize pleasure and minimize pain. Coherent action necessarily involves determining which acts advance this intention and which retard or negate it. It requires subordinating some acts and elevating others, i.e. establishing priorities for action and a hierarchy of acts with respect to their importance for actualizing the universal principle.

This in turn requires a different view of the objective world than was held previously. The moral subject must attempt to broaden its understanding of the objective world. It must attempt to understand the way in which objective events interact. It must seek to determine the wider consequences of particular acts, for those consequences will undoubtedly affect future acts and the moral subject is now concerned about the future implications of its acts, since it is acting for the sake of a universal plan and not merely for the satisfaction of isolated purposes. We can see how the recognition of the universal within subjectivity is accompanied by a more profound understanding of the objective world. On the basis of its new understanding of both its own subjectivity and of the objective world, the moral subject seeks to actualize its universal intention. The universal informs particular acts and it is through the success of particular acts that the universal is actualized in the world. The objective acts are themselves successful to the extent that they satisfy the universal intention of the moral subject. Intention, however, is primarily a subjective term. To indicate the notion that intention must be objectified Hegel introduces the term "welfare". The concept of welfare emphasizes the necessity to transform the world so as to actualize subjective intention. Each successful act contributes to the welfare of the moral subject. Welfare is the universal

concept which informs objective acts with their significance for the moral subject's intention. To be sure, the ultimate source of the value of objective acts and events is the subjectivity of the moral subject expressed as its universal intention. The introduction of the concept of welfare, however, emphasizes the objective moment in this process of actualization and serves to remind us that the objective world itself has its own dynamic which the moral subject must attempt to understand.

When we examine Intention and Welfare in greater detail we discover that there are three general features which structure the type of activity appropriate to this mode of experience. Each of those may be seen as particular specifications of the three general criteria outlined above in the discussion of the general nature of moral activity. The demand that the subject must recognize itself in the objective world is embodied in the concept of welfare. The subject-object dichotomy is overcome through the objectification of subjective intentionality as welfare. The assumption of this dichotomy decrees that the proximate matter upon which the subject acts is the objective world. Through particular acts he satisfies particular purposes, and thereby contributes to his general welfare. Therefore, the first feature of "Intention and Welfare" is that each act must be satisfying in some way for the subject. We can see that, to the moral subject, particular acts assume the form of an "ought", i.e. they "ought" to conform to the universal intention and contribute to universal welfare. This demand carries the implication that all acts have moral significance. The view that the moral subject acts only for the sake of the universal end and disregards all means to this end

or even ends which are not complete in themselves but contribute to a further end is dismissed as nonsense by Hegel. The second feature of this mode of moral experience is that the moral subject regards his activity as a whole as morally significant. Hegel writes:

"What the subject is, is the series of his actions. If these are a set of worthless productions, then the subjectivity of his willing is just as worthless. But if the series of his deeds is of a substantive nature, then the same is true also of the individual's inner will." (PR. No. 124).

Finally, the moral subject acts in the way it does not because it wishes to satisfy its particular inclinations and whims, but because it perceives this activity as universally necessary. That is, the moral subject actualizes its intention as welfare because this is what man must do if human freedom is to become actual. "This moment of universality, posited first of all within this particular content itself, is the welfare of others also, or, specified completely, though quite emptily, the welfare of all." (PR. No. 125).

Those three features summarize the mode of moral experience described by Intention and Welfare. Hegel's criticism of this mode is very brief, and not very satisfactory. The moral subject acts for the sake of the universal. But the content of the universal is determined subjectively by the moral subject. The "welfare of all" is, in truth, only the particular subject's concept of welfare. But "my" concept of welfare may differ from "your" concept and, within the principles of Intention and Welfare, there is no way of mediating this difference. As Hegel states:

"But since the absolutely universal, in distinction from such a particular content, has not so far been further determined than as 'the right', it follows that these ends of particularity, differing

as they do from the universal, may be in conformity with it, but they also may not." (PR. No. 125).

In short, there is nothing within Intention and Welfare to prevent a clash of concepts of welfare and there are no principles available to mediate such a clash should it occur. The retreat to the purity of the moral subject's intention is no solution, for the demand for objectivity precludes the exoneration of "bad men with well-meaning hearts". The clash of moral wills cannot be circumvented by the attempt to discover the purity of the moral subject's intentions, for this denies the validity of looking to the consequences of actions. "The result is that crime and the thoughts that lead to it, be they fancies however trite and empty, or opinions however wild, are to be regarded as right, rational, and excellent, simply because they issue from men's hearts and enthusiasms."⁶ Hegel is clearly thinking of those theorists who attempted to excuse acts contrary to established positive law on the basis of the "pure intentions" of the criminal, but his statement equally applies to the clash of moral wills as we have described it, quite apart from any reference to an existing positive legal code. The dilemma is inescapable and its resolution is impossible.

When we analyse the source of the problem we soon discover that the claims to universality, on the part of moral subjects, however sincere they may be, are illusory. The moral subject looks to itself as the embodiment of universal freedom. This is implicitly rational, for the will must ultimately be the source of objective human freedom. But this "infinite relation of the will to itself" (PR. No. 128) is locked within subjectivity. There is no true universality, for the "universality" which the moral subject has before

it is only posited by it. It is for this reason that there can be a clash of concepts of universality expressed as the clash of concepts of welfare. We saw that in Abstract Right right is "the abstract embodiment of freedom without embodying the particular person"; we now see that "welfare (is) the sphere of the particular will without the universality of right". (PR. No. 128). The problem for the moral will is to discover principles of moral experience which satisfy the demands of the moral subject to recognize itself in its activity while at the same time satisfying the demand for universality in order to avoid clashes of moral wills. In Intention and Welfare the moral wills which clash are equally "moral"; they satisfy the formal requirements of morality and yet are irreconcilable with respect to the question of what content is appropriate to moral activity. If a truly universal concept of moral activity can be discovered, then this problem no longer exists. When wills clash there can be appeal to an objective universal concept. It could then be seen whether one will is acting in accordance with objective moral concepts while the other is not, or, even whether both wills are "immoral". The awesome task of discovering universal principles of moral activity was taken up by Immanuel Kant, and his efforts are examined in the third sub-section of Morality, titled "Good and Conscience".

Kant's general philosophical position is one of the most complex in the history of philosophy. His vast output is made more difficult because he underwent several changes of philosophical position which had profound consequences. The major divide is usually described as that between his pre-critical and post-critical writings. The three great works of the latter stage are; 1) The Critique of Pure Reason, 1781 and 1787 (First Critique), 2) The Critique of Practical Reason,

1787 (Second Critique, 3) Critique of Judgement, 1790 (Third Critique). Although any comprehensive treatment of Kant's moral philosophy requires examination of many other writings and published lectures, for our purposes the most important of those other works is the Foundations of the Metaphysics of Morals, 1785. It is beyond the scope of this thesis to engage in a comprehensive examination of Kant's philosophy. We are only interested in Kant as the most systematic moral philosopher to present a theory of freedom as equivalent to moral self-determination. Therefore, we need only describe the outlines of his theory. This description will be both brief and uncritical. There is no reason to present the arguments which Kant employed to establish his ultimate principles. There are many excellent secondary articles and books which examine the finer points of Kant's moral philosophy.⁷

Every conative act requires an object. The will acts in a determinate way for the sake of some object. Practical propositions are those propositions which "contain a general determination of the will",⁸ i.e. have a role in determining what actions the will chooses to perform. A practical proposition is a practical principle if it expresses a general determination of the will and if rules can relate them to specific applications of the will according to the circumstances which prevail. There are two types of practical principles. If the subject regards the principle as applicable to himself alone according to his own subjectively-determined preferences, the principle is called a "maxim". If the principle is regarded as "valid for the will of every rational being" then the principle is objective and is regarded as a practical law.⁹ All practical principles involve some degree of constraint upon the will of the subject unless, of course, the subject always spontaneously does what he ought to.

A practical principle always has some rational content, even if, at its most subjective, it is only a "means-end" rationality. The application of principles to specific circumstances requires rules and those rules are called imperatives by Kant, e.g. I ought to do this since, if I do it, I will achieve pleasure and avoid pain. In the case of a maxim, where the motive for doing something is subjective, the type of imperative which it gives rise to is a hypothetical imperative. A hypothetical imperative states that if a subject has a certain desire then he ought to act in some particular way if he is to satisfy this desire. Of course, if the subject does not have this desire then the hypothetical imperative is irrelevant and cannot have any authority for the subject. A practical law, on the other hand, expresses a practical principle which is valid for all subjects qua rational subjects; the imperative which it establishes for the will of the subject does not depend on the presence or absence of some desire. It obligates all subjects if they are to be regarded as rational. This type of imperative Kant calls a "categorical imperative".

There is one further distinction which must be made, viz. that between formal and material practical principles. A material principle has as its object a material object of desire; a formal principle has as its object the form of understanding and reason. If a principle presupposes a material object of desire, such as a desire for happiness, then the principle is a material one. But the presupposition of a subjectively-determined desire, as we have seen, can only lead to a maxim, and so any imperative which follows upon the adoption of a material practical principle can never be categorical. Therefore, categorical imperatives must follow practical laws, since only practical laws do not presuppose some particular material object

of desire. That is, categorical imperatives must be formal, and never material. In summary, a material practical principle is a maxim and can only give rise to hypothetical imperatives; a formal practical principle is an objective practical law and gives rise to categorical imperatives.

With the above definitions before us, let us turn to Kant's analysis of freedom. We can begin with a consideration of the concept of responsibility. We hold persons responsible for events and actions when we attribute to those persons some power or agency which caused these events or actions to take place. But if the person's actions were themselves events of some antecedent cause, then responsibility cannot be imputed to the person for the events which he caused, except in the most mechanical sense of causation. We speak of responsibility in the human (moral, legal, or political) sense when we believe that the person, in some way, exercised freedom by choosing to do one thing rather than another. If we can not attribute free agency, in the sense of unconditioned free causality, to the person then any talk of human responsibility necessary ends up in an endless regress.

This capacity to initiate a new causal series Kant titles the "spontaneity of the will". The spontaneity of the will is discovered through the transcendental deduction of those concepts which must be presupposed if we are to give a rational account of moral experience. In the case of spontaneity the experience to be explained is moral obligation. We are aware, within ourselves, of the fact of an obligation. That is, we are aware that we can choose between rival courses of action and, therefore, that we are not wholly determined in the way that merely natural entities are determined, i.e. through mechanical causation.¹⁰ The capacity for

spontaneous activity appears as freedom in the form of independence, for the person is aware directly of his independence from the "determining causes of the world". In exercising his spontaneity the subject proceeds according to some principle, i.e. its choice of volitional object is guided by certain principles which it has before it. If the principles are material then, Kant argues, the subject is acting freely but heteronomously. He is free because he is independent of natural causation; it is heteronomous freedom because the principle which guided the action, and the hypothetical imperative which is subsumed under that material principle, is not fully rational.

We have seen that a material principle presupposes the desire for some material object which the subject regards as of value or as a "good". The hypothetical imperative gives the rule for realizing that good. But if the good is presupposed in this way, what is its relation to the will and freedom?. If the subject experiences the desire for this good then it appears as the good for this subject alone. But the good may not be desired by all persons and, therefore, is of no consequence for the person who does not desire it. The relation between a good defined in terms of the presence (possible) of some desire and the free will of a subject is only a contingent one. It is not necessary because it does not hold for all rational subjects, but rather only for those subjects who have the requisite desire. The practical principle can never be objective and universal in this case, and the imperative it contains can never be categorical, because the desire for the predefined good (material) depends on contingent empirical circumstances. This holds for any material object of desire, for we can never demonstrate a priori the objective universality of such desire, i.e. the desire for a material object can never be demonstrated to be objective, but must always be

related to a subject through a subjective maxim of a particular will.

The spontaneity which is exhibited even in heteronomous actions ensures that such actions be considered as one mode of freedom. But it is only negative freedom, for the subject has demonstrated only a capacity to act independant of natural necessity. If a subject is to be free positively, he must act autonomously. Autonomy refers to the capacity of the subject to will in accordance with a universal, objective and rational law. The practical principles which are capable of being universal laws are formal. They cannot presuppose some material good, but rather must conform to the formal criteria of validity for all rational subjects. A formal principle is the only one capable of universality. Universality is expressed in the desire by the moral subject to act only according to those maxims which can be maxims for all moral subjects. This imposes an obligation on the subject which is expressed in the famous categorical imperative: "So act that the maxim of your will could always hold at the same time as the principle establishing universal law".¹¹ This imperative is categorical because it holds for all rational subjects. It specifies no particular material object, but rather demands that all maxims of action be capable of universalization. The practical principle of such action appears as a universal law. In obeying this law the moral subject is not limiting its freedom. The law is a universal principle of reason. In obeying the law, the moral subject brings himself into full conformity with his own implicit rationality. In Hegalian terms, we could say that the subject actualizes his implicit rationality. This is not a limit to freedom but rather its highest expression. The subject freely chooses to act according to the law of its own reason. In this way the subject is seen to act both spontaneously and autonomously. It is spontaneous

because it freely chooses to act according to an imperative; it is autonomous because that imperative is categorical and, therefore, expresses most completely its human rationality. Heteronomous action, although expressing a mode of freedom, is not positively free because the subject is still under the domination of principles of natural, material desire. Autonomous action, in the sense of self-legislation, is completely free because the subject chooses to act according to principles which are universal and independent of material desires. This is not to say that the autonomous moral subject does not experience desire. The subject certainly has desires of a sort similar to the ones which serve as motives for heteronomous action. But the autonomous subject organizes these desires not according to some material practical principle but rather according to universal, practical law. The subject never is motivated by material desires, although he is forced to deal with desires and to act in a way which can satisfy some desires, so long as such activity is consistent with the activity prescribed by practical law.

It is important to remember that spontaneous activity and autonomous activity are both modes of freedom. They are distinct modes, but not absolutely separate ones. Nor can they in any way be regarded as opposed modes of freedom. Spontaneity is perfectly consistent with autonomy; spontaneous activity may be opposed, either knowingly or not, to autonomous activity but this is not an opposition which is based on anything more than contingency. In a similar fashion, Kant distinguishes between two parts of the human will. That distinction corresponds to the distinction between spontaneity and autonomy and an examination of it will prepare the way for Hegel's critique of Kant in the Philosophy of Right. Kant refers to the different parts of the will as Willkür

and Wille.¹² Translation of those technical terms into English raises many problems. Rather than opt for one or another of the available possible translations I will refer to them by their German names. I hope that their meanings will become clear in the following discussion.

Willkür refers to the capacity for spontaneous action inherent in the concept of the human will. While Willkür feels natural desires it is not determined wholly by them. Willkür is activity in accordance with a maxim, or practical principle which determines the proper conduct of the subject. Willkür, therefore, is not blind animal obedience to natural desires but rather denotes the spontaneous ability of the subject to choose the maxims which will determine his actions. Spontaneity preserves the notion that Willkür may be free even though it acts primarily on the basis of desires for material objects. The subject chooses to act in order to satisfy a desire and thus exercises his freedom. It could equally choose to act for the sake of some other desire, or even choose to act for the sake of something other than material desire. When the subject chooses to act for the sake of some desire it is acting freely but heteronomously. Kant maintains that, unless we preserve the notion of a spontaneous Willkür, we cannot hold subjects responsible for their actions. The alternative is to maintain that the subject is conditioned completely by antecedent causes and, therefore, causality and responsibility for an action cannot be attributed to him.¹³

By itself, Willkür refers only to the spontaneous freedom of the will. As we have seen, spontaneity alone is insufficient if fully rational freedom is to be actualized. Rational freedom demands that the will also be autonomous, and autonomy of the will is described by

Kant as the Wille. Wille is pure practical reason. It can also be regarded as the practical moral law or the law of moral freedom. If all subjects spontaneously chose to act in accordance with the moral law, then spontaneity and autonomy would signify the same thing - rational human freedom. But this is not the case for moral subjects are susceptible to the claims of material desire. Therefore, there is a struggle on the part of the subject between what it desires and what it perceives as its moral duty. Wille does not act, for activity is the sole preserve of Willkür. It does, however, affect Willkür in so far as it represents the conditions which must be fulfilled if the subject is to be truly free. Wille serves as an incentive or model for the Willkür which desires freedom in the fully rational sense of spontaneous autonomy. The practical rule which it gives to Willkür is the categorical imperative. The Willkür which chooses to act according to the categorical imperative acts autonomously as well as spontaneously. The truly moral subject is the one who chooses to act for the sake of the moral law. The moral law is the incentive of its action and not material objects which are conditioned by natural desires. The desire by Willkür to submit to the law of Wille is not an abrogation of freedom. Kant's great advance was to recognize that there is no contradiction between freedom and submission to a law, if the law is a law of human reason.¹⁴ The moral law, or Wille, simply is.¹⁵ It does not act but exists as a norm for Willkür. Willkür ought to act for the sake of the moral law. The activity of Willkür always involves an ought, for no human will is spontaneously pure and free of all natural desires. Morality always involves a struggle by the moral subject to do that which it ought to do in order to approach the pure rationality which it, in essence, is. Wille is often characterized as

the "holy will" and the "ought" of moral activity may be viewed as encapsulating the struggle by the moral subject to act according to the dictates of the categorical imperative in order to purify itself and become holy.

This sketch of Kant's moral philosophy is necessary if we are to understand Hegel's comments on "Good and Conscience". Indeed, the position which Hegel is attacking is most obscure unless we are aware that the object of attack is Kant. Hegel invokes his own vocabulary to describe Kant's position and this adds to the confusion. When we translate some of Hegel's terminology back into terms more appropriate to Kant, much of this confusion is eliminated. For example, Hegel describes the good as "the unity of the concept of the will with the particular will". (PR. No. 129). In Kantian terms the good is seen as the unity of Wille and Willkür, even though this unity may always be only ideal. Hegel, therefore, is reading Wille as the concept of the will. This is not mysterious when we recall that, for Hegel, the concept of a thing always expresses its implicit, rational and universal "nature" or "essence", and that Kant would regard the Wille in those terms.¹⁶ The identification of Willkür with the "particular will" is also easily comprehended. The "particular will" in Morality is the will of the moral subject as it struggles to actualize its own freedom. This is clearly consistent with Kant's description of Willkür, although Hegel does not, at this point, introduce the possibility of the spontaneous choice of heteronomous principles.¹⁷

The relation between the concept of the will and the particular will is described in terms which are equally appropriate to the relation of Wille and Willkür. Thus Hegel describes the good as imposing an obligation on the particular will. The particular

will "ought to make the good its aim and realize it completely" because, for the moral subject, "the good and the good alone is the essential, and the subjective will has value and dignity only in so far as its insight and intention accord with the good". (PR. No. 131). On the other hand since Kant views the Wille as normative only and not active, the good has "in the subjective will its only means of stepping into actuality". (PR. No. 131).

The final point to be discussed is the centrality of the concept of duty to the whole Kantian scheme. The moral law, or pure practical reason, is the universal "concept of the will". If the moral subject chooses (freely) to obey the moral law then it is seen to be acting freely and rationally. This choice is not conditioned by contingent empirical circumstances or desires, but rather proceeds from a respect for the moral law as the law of its own freedom and rationality. This respect for the moral law imposes an obligation upon the subject who wishes to act morally. That obligation appears in the form of a duty, for duty is defined as "the necessity of an action done from respect for law".¹⁸ For Kant, to be moral is to act solely out of respect for the moral law. Therefore, moral duty is a constraint upon the possibility of heteronomous activity for to perform one's duty is to act solely out of respect for the moral law.¹⁹ When Hegel says that the moral subject in "Good and Conscience" performs his duty "for duty's sake" he clearly is thinking of Kant's description of duty and its relation to autonomous freedom. (PR. No. 133). This is made explicit in the addition to paragraph 133 of the Philosophy of Right where Hegel praises Kant for the emphasis he placed on the meaning of duty and its relation to freedom. To perform one's moral duty (in the Kantian sense of a duty which flows from respect for the moral law

of rational freedom) is to objectify one's implicit rationality, to translate the concept of freedom into the Idea of freedom.

Hegel's critique of Kantian philosophy is diffuse and complex. At various times in his philosophical career Hegel felt obliged to set out his opposition to Kant's philosophical principles. At times he emphasized one point of attack while on other occasions he chose different points of emphasis. It is difficult, therefore, to draw together all the separate strands and unify them into one coherent critique. The matter is further complicated by Hegel's often oblique references to rival philosophies which may or may not be construed as references to Kant. Finally, Hegel is often loose in his explicit references to Kant so that, for example, his citation of the categorical imperative is very inaccurate. The result of all this is a general level of confusion which often obscures the real merits of both philosophical positions. Defenders of Kant point to Hegel's seemingly cavalier treatment of Kant and labour away at demonstrating the inappropriateness of Hegel's critique to Kant's actual position. Often this carries with it the implication that Hegel was less than honest in his treatment of Kant.²⁰ Hegel's advocates, on the other hand, are often too dismissive of Kant, and minimize his great achievements. While this may appear to follow from Hegel's treatment of Kant - which often borders on the contemptuous - it ignores Hegel's obvious debt to Kant and, indeed, Hegel's frequent acknowledgment of that debt.

It is not necessary, for our purposes, to enter the continuing debate. In the Philosophy of Right Hegel confines his criticism to a few brief comments. They are so brief, however, as to render them almost incomprehensible. If they are to be understood,

then they must be supplemented by references to other works by Hegel in which he examines Kant's philosophy. Hegel himself refers his readers to the Phenomenology of Mind for a more detailed critique. The straightforward presentation of Hegel's critique of Kant does involve us in some problems. For one thing, there is the problem of organizing all the material into one coherent presentation. For another, there is the recurrent problem of its appropriateness to Kant's actual position. For reasons of both coherency and economy I have decided to present Hegel's critique in the following manner. I will present Hegel's position in the course of defending it against an attack by John Silber on Hegel's critique of Kant. Silber's article is titled "Procedural Formalism in Kant's Ethics"²¹ and it is a detailed and able defense of Kant against Hegel. I believe that Silber's article brings into focus the differences between the two positions, and that, by responding direct to the article, we can avoid getting sidetracked into issues which are important but of only subsidiary interest to the main concerns of the thesis.

Silber begins by acknowledging the old charge of formalism which is traditionally hurled against Kant's ethics. He then proceeds to argue for a very specific notion of formalism, namely procedural formalism. In contradistinction to the procedural variety Silber points to substantive formalism and logical formalism. He contends that Hegel misinterprets Kant because he only recognizes the two latter types of formalism, while all along Kant was really describing procedural formalism. The Hegel text which he examines is the Phenomenology of Mind. More specifically, Silber is concerned with refuting Hegel's charges as presented in the sections titled, respectively, "Reason as Lawgiver" and "Reason as Test of Laws". (Ph.G. pp 301-312; PhM. pp 439-453)

In "Reason as Lawgiver" Hegel criticizes the philosophical position which maintains that Reason, considered as a pure universal, can by itself determine specific moral duties. This position is described by Silber as substantive formalism for it claims that Reason alone can specify substantive laws regulating conduct without regard to any circumstances which lie beyond its pure universality. Hegel employs various examples to good effect in demolishing this view. He concludes that it is incoherent because all duties are necessarily specific, and the pure universal (reason) cannot successfully determine the content of such specific duties. Either it loses itself in contingency by trying to be specific, or it abolishes any specific content in trying to be universal. It is unnecessary for us to follow Hegel's presentation of the dialectic of substantive formalism, especially since Silber accepts Hegel's critique of the position. While accepting Hegel's critique of substantive formalism, however, Silber denies that it is a legitimate critique of Kant. Silber maintains that Kant never intended that his ethics be regarded as formal in the substantive sense. He does admit that many of Kant's examples might give this impression, but this is the result of haste and carelessness on Kant's part and does not endanger his fundamental position.²²

Silber's defense of Kant against the charge of substantive formalism is not of great interest, but we should note a few points. First, Silber acknowledges the validity of the Hegelian critique of substantive formalism. Second, although this critique may not properly apply to Kant, Silber admits that Kant does leave himself open to the charge because of his own carelessness. Third, it is arguable that Hegel did not intend that this section be regarded as his main attack on Kantian ethics. It is more correct, I believe, to regard this

section as an attack on the type of rationalism exemplified by the scholasticism of Christian Wolff. References to the examples from Kant may be regarded as an attack on those examples alone and not an attack on Kantian ethics proper, (i.e. against those Kantian examples which Silber admits appear to be substantive determinations of a pure universal). Also, Hegel's oblique reference in the Phenomenology to the categorical imperative may be seen as an introduction of the principle which gets us beyond "Reason as Lawgiver" and into the next section, and not as an example of substantive formalism. Finally, in his later critiques of Kant in the Philosophy of Right and Lectures on the History of Philosophy Hegel does not raise the same charges as are on display in the section "Reason as Lawgiver". There are two possible reasons for this: first, he did not regard the critique of substantive formalism in the Phenomenology as a critique of Kant's true position; second, the other charges he raised against Kant were sufficiently powerful and he did not have to raise the more problematic charge of substantive formalism against Kant.

In "Reason as Test of Laws" Silber sees Hegel as raising the charge of logical formalism against Kant. Logical Formalism refers to the claim that Reason can provide a logical test of the validity of any particular duty or moral act. In Kant's ethics the criterion of universalizability establishes the logical principle of non-contradiction as the primary standard or test of moral worth. That is, if a particular act is self-contradictory it cannot be universalized and hence is not moral. The logical principle of non-contradiction, therefore, provides a neat and infallible test for determining whether an act is, or is not, moral. The problem with such a test, however, is that it is indifferent to all content. For example, it is possible to maintain

that private property must be respected and that theft of private property cannot be permitted. This is non-contradictory and capable of universalization. Conversely, it is possible to maintain that, in theft, the thing stolen does not properly belong to the person who originally had it in his possession. There is no necessary inconsistency in this position, for the "thief" is not taking into possession something which is legitimately the property of another. Silber admits that Hegel's critique of logical formalism is correct, for the logical principle of non-contradiction can admit almost any content, depending on the presupposed opinions of a particular moral subject. All particular content, because it can be made to conform to this logical principle, can be admitted, and hence there can be no acts whose moral worth can be regarded as based on something more objective than subjective caprice. As in the first case, however, Silber denies that the charge of logical formalism can be laid against Kant.

Silber maintains that Kantian formalism is neither substantive nor logical. Were it either, or both, Hegel's critique would be damning. The answer to Hegel rests on the proposition that Kant's formalism is procedural. Central to this proposition is the role that judgement plays in Kantian philosophy. Judgement provides the link between a theoretical principle and the practical world in which that principle must be embodied. In the case of ethics the moral law and the highest good are not, in themselves, guarantors of moral practice. Kant writes:

"[They] require in addition a power of judgement sharpened by experience, partly in order to distinguish cases to which they apply, partly to produce for them admittance to the will of man and influence over practice."²³

Judgement in ethics determines which situations are of proper moral concern, what moral duties those situations impose on the subject, and the best way of fulfilling those duties.

But judgement must not be understood as a set of rules which apply a theoretical principle to actual practice. Were this the case it would involve us in an infinite regress for we would need rules to tell us which particular cases fall within the jurisdiction of the first set of rules, and then a new set of rules to explain how the second set relates to the first, and so on ad infinitum.²⁴ Therefore, we must search for an alternative explanation for the role which judgement plays in relating moral theory to moral practice. Silber introduces his solution to this dilemma by stating that

"...moral theory does not pretend to offer a rule for applying the moral law, but the moral law is itself to be understood as a principle which specifies the procedure of judgement in the act of moral schematism. On this interpretation, the correct application of the moral law would consist in the fulfillment by judgement of a procedure whereby a particular object or action is designated in imagination as the embodiment of the highest good for a particular act of moral volition, and in the subsequent enactment by will of the action so designated."²⁵

Silber maintains that Kant does not look to the objects of volition or cognition as providing by themselves sufficient evidence of a subject's rationality. We may, for any number of reasons, select a proper (rational) object of volition but this may result from nothing more than force of contingent circumstance or blind luck. True rationality is embodied in the actual process of human thought and action, in the way that we employ our reason in determining our practical existence.²⁶ If we can specify procedural norms for human reasoning then we can distinguish between those human thoughts and actions which

embody human rationality in its full sense and those which do not. The procedures are normative in the sense that they specify the standards of rationality against which any particular act of reasoning may be compared and evaluated as to its (true) rationality. They are formal because they apply to all particular acts of reasoning regardless of their content. In the domain of ethics the moral law specifies formal procedural norms which are appropriate to all particular instances of moral reasoning.

Procedural norms exist for all types of human reasoning, whether it be the reasoning employed in natural science, logic, aesthetics or ethics. Each of the divisions of knowledge has its special problems and, therefore, requires special norms, but there is a formal similarity between all such norms.²⁷ In ethics, Silber contends, the procedural norms are supplied by the categorical imperative. We have already encountered this imperative. From the perspective of procedural norms, we now see that the categorical imperative establishes universalizability as a procedural norm. This is often referred to as the formula of universal law. But Kant further specifies the categorical imperative. Each of those specifications, (which appear as practical imperatives), serves to cover different types of considerations which may enter into moral reasoning. Thus, for example, we have the formula of the end in itself, the formula of the kingdom of ends, the formula of the universal law of nature and so forth. Silber argues that any attempt to set a limit to possible specifications of the categorical imperative is wrongheaded because the formulations are intended as norms to cover situations as they occur in the sensible, human world where moral practice must occur. Hence their "number is as unlimited as sensibility is diverse".²⁸ The specifications of the categorical

imperative do not conflict with each other; rather they must be regarded as procedural norms which evolve in the effort to establish concretely the standards of true rationality for moral reasoning. For example, if the maxim of a subjective will is capable of being willed, by the subject, as a universal law it meets the norm of universality. By virtue of this, the subject wills his own autonomy. Therefore, he meets the norm established by the practical imperative of autonomy. Those two norms in turn establish the conditions for the formula (imperative) of the end in itself.²⁹ Silber proceeds, in an impressive manner, to demonstrate how the various formulations of the categorical imperative establish a mosaic of procedural norms for moral reasoning. The moral subject employs those norms in determining whether the maxim of his will is rational or not. We have seen how Kant knits together the concepts of practical reason and morality and so it is clear that, for Kant, the subject is moral to the extent that he is rational, and he is rational to the extent that he can satisfy the norms of moral reasoning established by the formulations of the categorical imperative. I have used judgement and moral reasoning interchangeably, since moral reasoning is nothing other than judgement in the ethical domain. When judgement proceeds according to the norms established by the categorical imperative, the moral reasoning of the subject is rational. Silber summarizes this conclusion:

"When judgement has fulfilled these procedures, the concrete determination of the moral task is achieved. And the moral task itself is completed as soon as the will commits itself to action in accordance with the maxim designated by judgement at the outcome of its procedure. The complete delineation of the maxim of moral volition is the outcome of a process of judgement defined by the moral law as the categorical imperative for a finite rational being... Once judgement completes the procedure for the determination of the moral

maxim and the will acts on the basis of it,
the application of the categorical imperative
is complete."³⁰

We must now determine whether Silber's description of Kantian formalism as procedural rescues Kant from Hegel's critique. Silber invokes the notion of procedural formalism primarily to rebut Hegel's charge of logical formalism. ("Reason as test of laws"). Silber demonstrates that logical formalism rests upon the dichotomy of reason and sensibility. The principle of non-contradiction is a principle given by reason, and it stands over and against the world of sensibility with its attendant "passions" and "irrational" desires. If reason and sensibility are separated in this way, then it is easy to show (as Hegel does) that sensibility is "superfluous" to moral reasoning, since it is only the "contentless" law of non-contradiction which determines the moral value of activity. As we have seen, almost any content whatsoever can be made to accord with the law of non-contradiction. Silber does not contest this point.³¹

Silber does deny, however, that a radical separation of reason and sensibility can be attributed to Kant. Silber contends that the sensible and rational realms are not conceived of as opposed by Kant. I think he is on shaky ground here. Granted, Kant states they are distinguished but not opposed. He adds that the moral will need not renounce happiness (sensible) in order to be moral. But he then adds (and Silber, in quoting from Kant italicizes this!) that we take no account of claims for sensible happiness whenever duty is in question.³² How are we to interpret this? If duty is not at stake, then we are not in a moral situation. If duty is at stake but the moral subject spontaneously performs its duty without even being tempted by sensible claims to happiness, then we are witnessing the activity of a "holy will".

If, on the other hand, sensible claims are compelling for the subject but he rejects them and acts for the sake of duty, then we are in the presence of a moral struggle in which virtue wins out over immorality and evil. But in this last case the claims of duty are opposed to those of sensible happiness. It is nonsense to think of these rival claims as merely distinguished by the moral subject and not opposed to each other. To think otherwise is either to regard the will of the subject as holy or else to strip morality (as experienced by Willkür) of its dignity. Silber's attempt to link reason and sensibility by denying their opposition is a failure. Hegel's point about logical formalism is not that the two realms never interact, but rather that morality depends on a law determined by one realm (reason) regardless of the content of the other, (sensibility). If this were not the case then the moral subject would accept or reject the claims to sensible happiness on the basis of the content of those claims, and that possibility Kant strictly denies. If he did not deny this, then he would be forced to admit that the moral will can accept a heteronomous principle as a maxim of moral activity, since claims to sensible happiness are necessarily heteronomous.

Silber then pursues another argument intended to refute the charge of logical formalism. It is in connection with this second argument that the notion of procedural formalism assumes vital importance. Silber argues that the notion of logical consistency, while it is a necessary condition of moral willing, is not a sufficient condition. Kant, he argues, also insists on volitional consistency. Silber distinguishes the two types of consistency as follows:

"The categorical imperative prescribes more than consistent thought; it prescribes what moral judgement must do in order to will in a universal

manner. It demands that willing be done, not merely on the basis of mutually consistent maxims, but on the basis of the universally valid maxims. We are not obligated merely to think about various possibilities that could be consistent, but to will a state of nature in which certain maxims would become laws of nature. This transports us into a realm of action in which content becomes determinate."³³

Silber is arguing that, while a maxim may be thought of as consistent with itself (logical consistency), it can be self-contradictory in the actual world of human practice. If this is the case, then the maxim does not meet the requirement of volitional consistency. The distinction between logical and procedural formalism becomes sharper if we look at Silber's attempt to refute Hegel's "justification" of theft. In the *Phenomenology* ("Reason as test of law") Hegel argues that one can defend stolen property without violating the law of contradiction. The "thief" can argue that, while it is wrong to possess another's property against his will, by virtue of the fact that the thing in question is now in the possession of the "thief", it does not actually belong to the other. In other words, it is not logically inconsistent to argue that "theft" is justified so long as we look only to the fact of actual possession.

Silber denies the possibility of such casuistry within the domain described by Kant's ethics. He agrees that while this defense of theft is logically possible, it is volitionally impossible (inconsistent). This is so because, Kant maintains, one cannot will in a universally valid way unless one puts oneself in thought in the place of other subjects. In this case, before I can justify my theft of another's property, I must put myself into the position of the intended victim (original proprietor).

"From his standpoint I cannot regard this property in question as my possession. Rather, by taking

his standpoint I see the situation from a universal point of view in which the concept of property cannot be manipulated. I cannot shift the title to the property without rejecting that enlarged perspective and thereby exposing my failure to observe the procedures of moral judgement."³⁴

Silber believes he has refuted Hegel completely. By applying Kant's procedural norms (universality, etc.) to a concrete practical situation he has demonstrated that it is not possible to justify theft of private property. But has he really accomplished his goal?

Let us look more closely at the notion of procedures. In general, rules of procedure provide a set of formal rules which guide the conduct of some business at hand, such as parliamentary debate, legal proceedings, shareholders' meetings and so forth. In law courts, for example, procedural laws may govern such matters as the gathering and presentation of evidence, selection of jurors, judge's instructions, methods of interrogation and cross-examination of witnesses and similar matters. Those laws are distinguished from the actual substantive laws of the civil and criminal codes. It does not seem unfair to regard procedural norms and laws in this way when we turn our attention to Silber's argument. In his counter-example to Hegel we see that Silber assumes the absolute validity of the right to private property. Applying Kant's procedural norms he declares theft unjustifiable, for it destroys this absolute right. As he candidly states, we cannot justify theft "simply by defining the meaning of ownership of property to suit oneself".³⁵ But the application of procedural norms does not legitimize the presupposed right of private property. Putting ourselves in the position of another merely demonstrates that theft is a negation of that which is presupposed as valid.

We can, therefore, demand of Silber that he provide a

justification of his presuppositions. It is Hegel's contention that such a justification is impossible within the limits of Kantian ethics. "From this point of view (Kantian ethics), no immanent doctrine of duties is possible; of course, material may be brought in from outside and particular duties may be arrived at accordingly..." (PR.No. 135, Remark). No "immanent doctrine" is possible because pure practical reason is not substantive. Hegel here is clearly granting the point to Kant which Silber was so intent to make against Hegel, viz. that the critique of "Reason as Lawgiver" does not apply to Kant's ethics. But if reason is not substantive, then where does the substantive material come from for ethical judgement proceeding by way of formal norms? Silber's answer it would seem, amounts to no more than simple conventionalism. Hegel develops his point in this way:

"The absence of property contains in itself just as little contradiction as the non-existence of this or that nation, family etc., or the death of the whole human race. But if it is already established on other grounds and presupposed that property and human life are to exist and be respected, then indeed it is a contradiction to commit theft or murder; a contradiction must be a contradiction of something, i.e. of some content presupposed from the start as a fixed principle. It is to a principle of that kind alone, therefore, that an action can be related either by correspondence or contradiction." (PR. No. 135, Remark).

The key phrase here is "on other grounds". In "Abstract Right" Hegel attempts to demonstrate the importance of private property while denying it absolute pre-eminence. He would regard his defence of private property as a justification for its inclusion as a right in any society which claims to actualize rational human freedom. Regardless of what we may ultimately think of Hegel's position on private property, it is clear that he attempts to justify it in terms of the concept of freedom. He does not resort to conventional opinion as does Silber (or Kant).

The conventionalism of Silber's approach can be brought out even more when we examine his defense of the volitional consistency of the right to private property. There he argues that, by putting oneself in the position of the other, we immediately recognize the contradictions of theft. In effect, Silber is demanding that we not merely put ourselves in the other's position, but that we actually adopt his position. Silber would be on much firmer ground if he demanded that we consider the position of the other. We could consider the position of those that support the right to private property and then still deny the validity of this right on the basis of a sincere commitment to abolish all private property. There is nothing in this which contradicts Kantian ethics unless we regard the right to private property as a substantial determination of the pure practical reason, a possibility which Kant, and Silber, deny. Consideration of the beliefs of an other can be made a formal procedural rule for all rational ethical positions; adoption of the other's position as an ethical demand renders impotent any possible claim for a rational ethics.

Silber's defense of Kant only serves to muddy the waters. Both Silber and Hegel deny that Kant is guilty of substantive formalism. Silber denies that Kant is guilty of logical formalism, although he agrees that, were this the case, Kantian ethics would be empty. But his defense of Kant on the basis of procedural formalism simply does not work. On the one hand, if procedural formalism is maintained, then he is forced to accept as the basic material of ethics some set of conventional rights and duties which cannot be justified philosophically within Kantian ethics. If, on the other hand, he does claim absolute justification for those conventions, then he is forced to regard Kantian ethics as a substantive formalism since such justification can only proceed from the

pure practical reason. We must agree, therefore, with Hegel that Kantian ethics cannot accomplish the task it set for itself. It cannot provide itself with rational content, and hence cannot actualize human freedom, for such freedom must be more than an empty form.

The contract between logical formalism on the one hand and procedural formalism on the other demands a resolution of some sort. Clearly it is impossible to maintain that both can be viewed as co-existing harmoniously. In short, are we to accuse Kant of either an empty logical formalism or an uncritical conventionalism? Hegel indicates in the Philosophy of Right that the charge of logical formalism is not only truer to Kant's actual intentions but also is of greater historical import for the subsequent development of moral and political philosophy. The introduction of the charge of conventionalism really only serves to bolster the critique of Kantian ethics, for it slams shut one possible escape hatch. That Hegel's real target is logical formalism is evidenced by his discussion of moral conscience.

Hegel defines true conscience as "the disposition to will what is absolutely good." (PR. No. 137). We have already noted the distinction between heteronomous and autonomous freedoms. In connection with the concept of conscience it is important to remember that the autonomously free individual acts for the sake of the moral law, while the subject who is free only heteronomously is motivated by sensuous, material desires. It is Kant's contention that the subject gradually establishes his preferences and orders his motives for action into a coherent pattern. In other words, the subject develops his character in one determinate way or another. By "character", I mean that the subject self-consciously establishes a coherent disposition towards acting in determinate ways. If the subject is disposed towards acting

always for the sake of the moral law, then he is a moral subject. If, on the other hand, the subject insists on disregarding any moral imperatives if they interfere with its search for sensual pleasures, then he is immoral. Between those two extremes there are several intermediate positions which indicate different degrees of moral struggle, i.e. the subject is torn between autonomous and heteronomous motives for action, and is aware of this as a real dilemma.³⁶ A subject's disposition must be understood as the ultimate ground of his activity in the world, and it provides the individual subject with his unique identity as this subject.

Thus Hegel's definition of true conscience refers to the self-consciousness of a subject who is disposed towards activity for the sake of the moral law. It is necessary to regard conscience as a mode of self-consciousness, for the conscientious subject perceives the moral law as imposing an absolute duty upon him if he is to see himself as a free, rational human being. But there is another reason for emphasizing the self-consciousness of the conscientious subject and it is bound up with the charge of logical formalism. If the ethical philosophy of Kant cannot yield a set of determinate, objective duties-if it could it would be guilty of substantive formalism - then the determination of the content of particular duties must be the product of the judgement of the particular moral subject. As we have seen, this determination is not subject to any constraints other than logical consistency. But if this is the case, then a subject who sincerely sets out to act only according to principles which satisfy those formal requirements must be regarded as moral. Because there can be no objective test of the rightness or moral worth of an action the only criterion for judging its rightness is logical consistency, and the only criterion for judging

the morality of the subject is the conscientiousness with which he seeks to act in a logically-consistent way. It doesn't matter if his conscientiousness dictates that he remove someone else's property or that he lay down his life in defense of the right to private property. What counts is whether he did one or the other as a result of perceiving it as an absolute duty regardless of his material preferences.

Kant writes:

"No doubt it is possible sometimes to err in the objective judgement whether something is a duty or not; but I cannot err in the subjective [judgement] whether I have compared it with my practical (here judicially acting) reason for the purpose of that judgement... When a man is conscious of having acted according to his conscience, then, as far as regards guilt or innocence; nothing more can be required of him..."³⁷

There are two points to be noted in this quote: first, Kant clearly resorts to conventional mores, for what else could possibly provide a standard against which logically consistent duties could be measured for their truth or error?; second, even the conventional standards of morality fall away if the subject genuinely believes that his act satisfied the formal principles of morality and that his only motive for action was respect for the moral law. The first point we have discussed at length; the second provides Hegel with a wealth of ammunition against the Kantian ethics. We recall that Kant wished to overcome the subjectivism and heteronomy of negative freedom, and to demonstrate the possibility of positive, autonomous action. Now we see that this hoped-for objectivity is reduced to the subjective certainty of the moral subject that what he is doing is right. Hegel, too, believes that right and freedom must be objective and it is precisely this demand which leads him to reject Kantian ethics. He writes:

"What is right and obligatory is the absolutely rational element in the will's volitions and therefore it is not in essence the particular property of an individual, and its form is not that of feeling or any other private (i.e. sensuous) type of knowing, but essentially that of universals determined by thought, i.e. the form of laws and principles. Conscience is therefore subject to the judgement of its truth and falsity, and when it appeals only to itself for a decision, it is directly at variance with what it wishes to be, namely the rule for a mode of conduct which is rational, absolutely valid, and universal." (PR. No. 137, Remark).

Kantian ethics is unable to generate the very objectivity which it originally established as the necessary goal of any ethical theory which would claim to satisfy the demand for a system of rational, human freedom.

The rest of the section on morality is concerned to examine subsequent developments of this general ethical position. Hegel discusses the way in which the dichotomy between subjectivity and objectivity becomes widened by philosophers who elevate the claims of subjectivity to dizzying heights. Kant attempted to achieve a genuine reconciliation of the two opposed realms but failed. His successors tended to dissolve the realities of claims of one (the objective world) while absolutizing the claims of the other. There was no attempt at genuine reconciliation, for the breach itself was taken as the mark of man's ultimately tragic situation. We are now on the muddy terrain of Romanticism which Hegel described so well in the Phenomenology. (Ph.G. pp. 434-473; Ph.M. pp. 628-679). It is not necessary for our purposes to examine the dialectic of Romanticism. Hegel's intention in the Phenomenology required him to pursue his critique of Romanticism right to the bitter end. In the Philosophy of Right, however, he is only concerned to demonstrate the inability of Moral principles to generate content adequate to itself.

His discussion of rampant subjectivism is restricted to a lengthy remark at the end of the section. One point which is worth noting about Romanticism is that its ultimate logical development produces a situation of moral anarchy analogous to criminal anarchy which concluded Hegel's discussion of Abstract Right. Each moral subject looks only to itself as a measure of right and wrong, and this destroys any possibility of a coherent objective order in which rational human freedom can be actualized. It is the search for that order which forces Hegel on to the next section of the Philosophy of Right.

CHAPTER FIVE

MORALITY

FOOTNOTES

1. PR. No. 109. cf. Enc. No. 92.
2. This, of course, is treated by Hegel in the famous dialectic of master and slave in the Phenomenology of Mind, Chapter 4, Section A.
3. That is, he could not discover new rights but only a new attitude to old ones.
4. This statement clearly has ontological implications. It is beyond the scope of this thesis to examine Hegel's ontology in its complexity. As has been pointed out in Chapter 2 of this thesis, Hegel's ontology is most explicitly set out in the Science of Logic and the Encyclopaedia Logic. The subject-object dichotomy of morality is treated ontologically in the "Doctrine of Essence", Book Two, of the Science of Logic. The thinking appropriate to this stage of development is characterized as the "Understanding". It is, in Hegel's view, no mere coincidence that Kant, the most profound philosopher of the Understanding, is also the most profound philosopher of the moral mode of experience.
5. Such a retreat violates the presupposed necessity of transforming the objective world. This presupposition was demonstrated in "Subjective Mind" and is assumed throughout the Philosophy of Right.
6. PR. No. 126, Remark. Hegel regards such excesses as resting on the "benevolence" theory of morality which is pre-Kantian, e.g. Hutcheson's theory of moral sentiments. Later in the analysis we shall see that this "mistake" reaches its most degenerate level in the Romantic Theories of Hegel's own time e.g. in the writings of Novalis.

7. For my purposes the most beneficial writings on Kant's moral philosophy are by John Silber and Lewis White Beck. Among Silber's many articles see, in particular, "The Copernican Revolution in Ethics: The Good Reexamined", Kant, a Collection of Critical Essays, ed. by R. P. Wolff (London, 1968) pp. 266-290; and "The Ethical Significance of Kant's Religion" which is Part II of Silber's 'Introduction' to Kant's Religion Within the Limits of Reason Alone, trans. T. M. Greene and H. H. Hudson (New York, 1960), pp. LXXIX - CXXXV. For Beck see his A Commentary on Kant's Critique of Practical Reason (Chicago, 1960). See also H. J. Paton, The Categorical Imperative (London, 1953) and R. P. Wolff, The Autonomy of Reason (New York, 1973). The last two works are primarily commentaries on Kant's Grundlegung Zur Metaphisik der Sitten. For my exposition of Kant's principles I have relied on the works of Silber and Beck.
8. I. Kant, Critique of Practical Reason, translated L. W. Beck (New York, 1956). In his translation Beck includes in parentheses the pagination from the Akademie edition. All references to this work will include two page references, the first to the Akademie edition the second to Beck's translation. Also, for shorthand, the second Critique will be referred to as KdpV which is its common abbreviation. Thus, in this instance, KdpV, 19, 17.
9. ibid.
10. KdpV; 42, 43; cf. I. Kant, Foundations of the Metaphysics of Morals, trans. L. W. Beck (New York, 1959), pp. 66-70. Hereafter referred to as Foundations.
11. KdpV, 30, 31. For a discussion of Kant's different formulations of the categorical imperative in the Foundations, see Paton, op.cit.

12. I shall only refer to Willkür and Wille since the issues which I wish to raise here do not require an examination of disposition (Gesinnung) which may also be seen as a part of the human will.
13. This is reminiscent of Aristotle's discussion of the responsibility to be attributed to a man who acts while drunk. Although drunkenness may eliminate the possibility of acting otherwise than he did, the man is still responsible for the decision to put himself into such a state in the first place. See Nicomachean Ethics, 1110a-1111b5.
14. This, of course, was the great original insight of Rousseau, but it was Kant who systematized it and gave it a firm foundation. cf. Rousseau, The Social Contract, Book I, Chap. VIII.
15. In KdpV Kant states that the categorical imperative is the moral law, or "Fundamental Law of Pure Practical Reason". This, of course, is an imperative, not a law. In the Foundations, Kant does state the moral law: "An absolutely good will is one whose maxim can always include itself when regarded as a universal law", (p. 447, 65). See Beck, op.cit, pp. 121-122.
16. For Hegel the concept of the will is freedom. In the Foundations Kant states that "...a free will and a will under moral laws are identical". Hegel is not twisting Kant's thought when he translates the above sentiments into his own terms. Foundations, 447, 65.
17. Although Hegel does not invoke the terms "heteronomy" and "autonomy", he clearly understood their importance for Kant. Similarly, he is aware of the importance of the concept of "spontaneity" and its central position in any theory of imputability. See PR. No. 139 and the Remark to that paragraph.
18. Kant, Foundations, 400,16.

19. cf. Kant's hymn to duty in KdpV, 86, 89.
20. See, for example, Martial Gueroult, "Les 'déplacements' (Verstellungen) de la Conscience Morale Kantienne selon Hegel", Hommage A Jean Hyppolite (Paris, 1971), pp. 47-80.
21. John R. Silber, "Procedural Formalism in Kant's Ethics", The Review of Metaphysics, (Vol. XXVIII, No. 2) (Dec. 1974), pp. 197-236. All references to this article will be abbreviated to "Silber".
22. Silber p. 227. cf. Silber's rejection of Kant's ill-judged and misleading article "An Alleged Right to Lie", on p. 223 and footnote 46.
23. Kant, Foundations, 389. Quoted in Silber, p. 198.
24. Silber, pp. 198-199.
25. Silber, p. 199.
26. Silber p. 201. This distinction in Kant between simple agreement with rational principles and activity for the sake of those principles can be seen in his distinction between legality and morality. Only the latter consists of activity for the sake of the moral law and, hence, is fully rational.
27. Silber, pp. 200-203. Kant's formulations which flow from the categorical imperative are found in the Foundations, second section.
28. Silber, p. 206.
29. Silber, p. 209.
30. Silber, p. 219.
31. Silber, p. 229-230.
32. Silber, p. 231.
33. Silber, p. 232.

34. Silber, p. 233.
35. Silber, p. 233.
36. John Silber represents this range concisely in a diagram in his "Introduction" to Kant's Religion Within the Limits of Reason Alone, p. CXXVI.
37. Kant, Metaphysics of Morals, quoted in Silber, p. 235.

CHAPTER SIX

THE TRANSITION TO ETHICAL LIFE

I have noted at several points in this thesis that it is misleading to regard Hegel's treatment of concepts of experience as a smooth, linear progression from lowest to highest. This is so because it demands that each transition from lower to higher concepts be seen as a neat development of those principles which are immanent in the former into the explicit principles of the latter. While some transitions may follow this line of development, others differ quite markedly. I have attempted to describe dialectical transitions in terms of a search for a coherent set of principles which can overcome the deficiencies of a lower stage of experience while advancing the general claim under investigation - whether it be a claim to truth, or practical freedom, or religious insight and so on. On this view, some transitions will appear relatively smooth, requiring only slight modifications of the explicit principles which structured the lower stage, while others will appear quite abrupt, requiring entire shifts of perspective on the problem. An example of the former would be the transition from "Stoicism" to "Skepticism" in the Phenomenology, while the latter, abrupt shifts are to be seen in the transitions from "Abstract Right" to "Morality" to "Ethical Life" in the Philosophy of Right. We have already examined the transition from Abstract Right to Morality; in this chapter I shall attempt to explain the transition from Morality to Ethical Life.

We can dismiss any suggestion that Ethical Life marks Hegel's attempt to provide the objective material for Kantian ethics which it, as we have seen, was unable to provide for itself except by covert appeals to conventional opinion. While such a view may claim to

present the transition as a smooth development of the principles of Morality, it is clearly false. Not only does it disregard the entire section on Abstract Right (except as the proximate matter of Morality) but it also maintains that the entire form of freedom can be determined in isolation from its content. This clearly contradicts Hegel's most basic logical principles with respect to the dialectic of form and content.¹ T. M. Knox, in a footnote to the transition as Hegel presents it, provides a much more acceptable view of the development. He describes Ethical Life as the unity of the two prior moments. Each moment is an abstraction, an incomplete embodiment of freedom. Although Ethical Life appears as a development beyond the two prior stages, in truth it is seen to be the concrete whole from which Abstract Right and Morality have been abstracted. Ethical Life is, therefore, the "ground" of the two abstract moments and "the advance which we have been studying is a circle which now brings us back to what was implicit at the start".²

This account is potentially misleading. First, one may wonder why Hegel proceeds in this manner. Why doesn't he begin with Ethical Life and, with this as his ground, develop the notions of objective and subjective freedom out of it? Why does he begin with abstractions and then return to the whole? Second, Knox presents Abstract Right and Morality, the proximate matter of Ethical Life, in terms of their abstract opposition to each other; objectivity and universality on one side, subjectivity and particularity on the other. Ethical Life, as their dialectical synthesis, brings together the two abstract moments and welds them into a coherent whole which is then seen as their true ground. But by emphasizing their

opposition and difference in this way, Knox is unable to provide a proper account of why Hegel can begin his examination of Ethical Life. That is, what justifies Hegel's adoption of Ethical Life as the true ground of Abstract Right and Morality? I believe the answer to this question is more easily discovered if we look to what is common to both Abstract Right and Morality, rather than to what radically distinguishes them.³

Certainly Knox is correct in labelling both Abstract Right and Morality as "abstract". However, when we examine their abstractness more closely we see that it rests, in both cases, on the abstractness of their presupposed "starting points". Both Abstract Right and Morality begin with a concept of a rational, asocial, and ahistorical human being. To be sure, each position invokes its own concept of reason and each emphasizes certain aspects of individuality and minimizes or neglects others, but this should not obscure their fundamental similarity. Hegel's contention is that, in both cases, the notion of the rational individual is an abstraction. It follows that any attempt to demonstrate the possibility of freedom for such an abstraction will be limited by the abstractness of the presupposed starting point. In other words, any concept of freedom which is based on abstract individuality will itself be abstract, and can only result in a concept of abstract freedom.

The use of the term "abstract individualism" raises a number of interesting philosophical and methodological issues. Indeed, the use of the word "individualism" often means different things to different people.⁴ In recent years the debate between "methodological individualism" and "methodological collectivism" or "holism" has provoked a great number of articles and books which take up some of the issues raised by the concept of abstract individualism.⁵ Although those issues are important we need not involve ourselves directly in

contemporary debates. This is so not only because they lie outside the scope of this thesis, but also because Hegel himself has demonstrated, in a concrete way, the limits of the "abstract individualist" approach. In analysing the transition to Ethical Life in the Philosophy of Right I will touch on some of the issues which are involved in the modern debate, but this will always be within the context of Hegel's actual procedure.

Abstract Right and Morality both maintain specific claims with respect to the nature of human freedom. Both assume that such claims can be based on a consideration of the needs, interests, purposes and so on of a rational individual abstracted from all social, political and historical specificity. Both can be seen to fail precisely because of the abstractness of their starting points. In Abstract Right, the individual finds himself in a spiralling series of anarchic acts with no acceptable universal mediation. The attempt to invoke such mediation is incoherent unless we permit advocates of the position to import conventional social notions into the anarchic situation. In Morality the moral subject finds himself in a spiralling series of anarchic acts, each one aimed at a subjectively determined (asocial) concept of welfare. Kant's attempt at objectivity is either empty or forced to appeal to a philosophically unjustified set of given social conventions. In both stages, the abstract individual cannot actualize his freedom because he cannot escape acting in an objective world where other people may, with justification, thwart the subject's attempts to actualize his freedom.

We can view the contradiction in another way. Freedom, in both cases, is advanced as a universal concept. It is universal because it is posited of all rational individuals. The rational

individual conceived abstractly, however, is only a bare particular. In theory, each individual represents immediately the concrete presence of the universal in its own personality (Abstract Right) or moral subjectivity (Morality). However, in practice each individual appears as an unmediated particular to the other persons or subjects. The universal must necessarily appear in an immediate way because there is nothing other than the abstract individual which can represent it. Individuals are unmediated particulars because there is no explicitly universal structure which can mediate their particularity. The necessity of such a structure is evidenced by, for example, the attempt by Abstract Right theorists to create a system of justice which is seen by particular persons to represent the concrete universal. Such attempts are failures. Hegel's point is that any attempt to describe a universal concept of freedom which bases that concept on the practical activity of the abstract individual is doomed to failure. The universal is immediately fragmented into the anarchy of unmediated particular wills.

Hegel's long, arduous analysis of Abstract Right and Morality is intended to demonstrate the self-contradiction involved in any attempt to ground a universal concept of freedom in the activity of abstract individuals. This is why Hegel does not begin with Ethical Life, for he must first deal with rival starting points. In introducing Ethical Life as the true realm of the Idea of freedom Hegel states that the critique of rival positions has been his intention. He writes:

"The fact that this Idea (i.e. Ethical Life) is the truth of the concept of freedom is something which in philosophy, must be proved, not presupposed, not adopted from feeling or elsewhere. This demonstration is contained only in the fact

that right (i.e. Abstract Right) and the moral self-consciousness (i.e. Morality) both display in themselves their regression to this Idea as their outcome. Those who hope to be able to dispense with proof and demonstration in philosophy show thereby that they are still far from knowing the first thing about what philosophy is."⁶

We must now examine what distinguishes the presuppositions of Ethical Life from those of Abstract Right and Morality.

The central notion to be grasped is Hegel's concept of historicism. The term "historicism" provides the spring-board for some of the most virulent debates in modern philosophy, particularly in the philosophy of the social sciences.⁷ In connection with Hegel we need note two distinct historicist claims. First is the weaker claim which maintains that the truth, meaning and significance or value of human actions, events and institutions can only be understood in terms of the history of those actions, events and institutions. Second, and much more contentious, is the claim that a consideration of world history from a genuinely philosophical point of view will reveal that world history is a rational process.

Let us examine the second concept first. Hegel states that we must begin with the recognition that world history "belongs to the realm of the Spirit". (RH. p.44). The term "Spirit" is exceedingly difficult to grasp. Indeed, it is possible to argue that the interpretation of this fundamental Hegelian concept will determine the interpretation of every aspect of the system. Traditionally, Spirit has been viewed as a transcendental subject. This is the basis of the theological interpretation of Hegel. Recently, for example, Charles Taylor has argued for a notion of Spirit as self-positing, as requiring a world as its other in order to come to full self-consciousness.

I believe that this view reduces Hegel's concept of Spirit to a version of Fichte's Ego which requires a non-ego as its other, and is, thus, contrary to Hegel's actual position.⁸ The more traditional version of that view of Hegel maintains that the entire system is a deductive one, based on the a priori concept of God as transcendental subject. Although this view of Spirit appears plausible and, indeed, gains support from many passages in Hegel's works, I believe it is a misleading view and that there are compelling reasons for rejecting it.⁹

In opposition to this view, I regard Spirit as universal human rationality, or the Idea of reason and freedom. Idea is important here, for we recall that the Idea of a thing is the concept of the thing together with its concrete actualization in the world. When I say that Spirit is the Idea of human reason and freedom, I mean that the coming-to-be of Spirit is nothing other than the struggle by man to actualize his implicit or essential rationality and freedom. This notion of Spirit is analagous to Aristotle's concept of teleology with two major qualifications: first the telos of Spirit refers to the human world and excludes notions of natural teleology except in so far as nature is pre-spiritual, it provides the proximate matter for the actual appearance of Spirit in the human world; second, the teleological coming-to-be of Spirit must be understood historically.

Hegel states that the essence of Spirit is self-consciousness. (RH. p.51). But self-consciousness is only a formal notion capable of different content. A man may be conscious of himself as a Stoic, as an Athenian, as a natural scientist, as a Prussian. Different notions of the self arise historically and pass away as a result of historical development. It is Hegel's contention that at any given time the

content of notions of the self is determinate and knowable. We can understand different epochs as evidencing Weltanschauungen or world views. Such a world view necessarily entails a concept of what it is to be a human being. Even a "common-sense" look at history will reveal an ebb and flow of different world-views. Notions such as the "spirit of classical Greece", the "virtue of Republican Rome", or the "Middle Ages" indicate the prevalence of such "spirit of the ages" notions.

But Hegel takes this type of thinking much further than anyone else. He argues that there is a logic to this historical ebb and flow, and that he has discovered it. He maintains that human history can be understood as the historical coming-to-be of Spirit. In other words, each historical epoch must be understood philosophically in its relation to the march of Spirit towards its own actualization. We are already familiar with the notion of a philosophical concept of experience collapsing as a result of its own internal contradictions; that is, of its inability to actualize its own claims, whether they be to truth or freedom. Similarly, entire civilizations and nations must be understood as collapsing under the weight of their own internal contradictions. In Hegel's view, civilizations and nations collapse when they are unable to maintain the validity and power of the social and political principles which structure them. This view of historical collapse may appear to apply most accurately to situations of internal collapse and revolution, such as the French overthrow of the monarchy. Hegel, however, extends it to include other major historical changes wrought by "outside" forces. The gradual decline and ultimate collapse of the Roman Empire results, on this view, from the inescapable contradictions of Roman social and political life.

The "barbarians" were victorious because Rome, for reasons internal to its civilization, was unable to withstand them.

Since Spirit refers to what is universal in man, it cannot be regarded as the exclusive property of this or that historical individual. It may be true that in any nation or civilization there are those individuals who are sufficiently wise and sensitive to be capable of a more developed historical self-consciousness than their fellow citizens. But if Spirit is to be actualized, then it must be actualized as concrete "living" universal. It must become actual in the life of a truly free civilization. From ancient times to the modern age, history must be understood philosophically as the collective struggle by men to create for themselves a world in which they are truly free. This actual, historical struggle marks Spirit's actualization in history; the historical study which describes Spirit's actualization is titled "philosophical world history" by Hegel.

"The Spirit in history is an individual which is both universal in nature and at the same time determinate: in short, it is the nation in general, and the Spirit we are concerned with is the Spirit of the nation. But the spirits of nations differ in their own conceptions of themselves, in the relative superficiality or profundity with which they have comprehended and penetrated the nature of Spirit... Thus it is the conception of the Spirit which is realized in history."
(RH. p.51).

If self-consciousness (understood as universal reason) is the essence of Spirit, then philosophical world history, or the history of Spirit, must be understood as a history of self-consciousness.¹⁰ But self-consciousness is not an empty form which, gradually over time, receives more and more content. Hegel's description of the emergence of Spirit should not hide the fact that, at any given moment in this

development, everything may be in chaos. Indeed, it is often the most savage events, in Hegel's view, which are the most significant from the perspective of philosophical world history. The destruction of an empire may herald the dawn of a new one with a more developed notion of self-conscious individuality. The civilization of imperial Rome may appear crude in comparison to that of classical Athens, but this must not obscure the real spiritual achievements of the Roman empire. As we have seen, the first systematic attempts to define and codify the inalienable rights of the individual took place in Rome, not Athens.

The various strands of Hegel's concept of philosophical world history are not as disparate as they may appear to be on first reading. O'Brien has suggested that Section B of Hegel's Introduction - "The Realisation of Spirit in History" - may be regarded as a treatment of the main features of a history of Spirit in terms of Aristotle's categories of causality. I agree with O'Brien that this is a useful aid that does not do any violence to Hegel's thought. Indeed, Hegel's lectures on the philosophy of world history contain many references which can be construed as references to Aristotle's discussion of causality. O'Brien treats each sub-section of Section B in terms of one of Aristotle's four causes. The alignment of cause with sub-section is as follows:

- "a) determination of spirit (final cause)
- b) means of realisation (efficient cause)
- c) material of realisation (material cause)
- d) its reality (formal cause)"¹¹

Hegel defines freedom as the "substance of Spirit". History is the process of development in time whereby Spirit completes itself and its substance - freedom - becomes actual. "The end of the world

Spirit is actualized in substance through the freedom of each individual". (RH. p.55). Freedom is the end (telos) of Spirit's development, and is actualized in the free life of the citizens of a free nation. But when Hegel states that freedom is the substance of Spirit, he means that freedom is its implicit concept. Hence the actualization of freedom in history is the development of this concept from the merely implicit or potential to the explicit actual living principle of a free nation. The succession of cultural and political epochs which Hegel identifies in history has the significance, therefore, of advancing this development from implicit to explicit. "The spirit of a nation should thus be seen as the development of a principle; this principle is at first bound up with an indistinct impulse which gradually works its way out and seeks to attain objective reality." (RH. p.55). Freedom, therefore, is the final cause of Spirit and, since philosophical world history is the elucidation of the historical coming-to-be of Spirit, freedom is the final cause of history viewed philosophically.

The suggestion that freedom is the final cause of history is analogous to Hegel's concept of Absolute Knowledge. I have already discussed in some detail the concept of Absolute Knowledge. We saw that Absolute Knowledge is not only the culmination of the development of the various forms of knowledge which are correct within appropriate spheres, but also that its very absoluteness is to be discovered in its absolute self-consciousness of this structure as its own structure. That is, Absolute Knowledge is the absolute self-conscious knowledge of the entire development of the structure of knowledge and, in and through the act of absolute comprehension, brings this development to a close. The similarity between Absolute Knowledge as the telos of

the development of knowledge and freedom as the final cause of history is made clear in the following statement by Hegel.

"World history...represents the development of the Spirit's consciousness of its own freedom and of the consequent actualisation of this freedom. This development is by nature a gradual progression, a series of successive determinations of freedom which proceed from the concept of the material in question, i.e. the nature of freedom in its development towards self-consciousness. The logical - and even more so the dialectical - nature of the concept in general, i.e. the fact that it determines itself, assumes successive determinations which it progressively overcomes, thereby attaining a positive, richer, and more concrete determination - this necessity, and the necessary series of pure abstract determinations of the Concept, are comprehended by means of philosophy. All that need be noted here is that each step in the process, since it is different from all the others, has its own peculiar determinate principle. In history, such principles constitute the determinate characteristics of the spirit of a nation. Each historical principle, in its concrete form, expresses every aspect of the nations' consciousness and will, and indeed of its entire reality; it is the common denominator of its religion, its political constitution, its ethical life, its system of justice, its customs, its learning, art, and technical skill, and the whole direction of its industry. These special peculiarities should be interpreted in the light of the general peculiarity, the particular principles of the nation in question, just as this general peculiarity can be detected in the factual details with which history presents us. The question of whether this or that particular characteristic actually constitutes the distinctive principle of a nation is one which can only be approached empirically and demonstrated by historical means." (RH. p. 138).

Several points must be made in the light of this passage. First, freedom is the final cause of Spirit and history. It is that which informs the entire movement of history, and is seen to be its final goal. Thus, it must be distinguished from, for example, Kant's notion of freedom as the posited end of historical development. Freedom is not a regulative idea which helps us to understand certain

phenomena; rather it is a constitutive principle of history and must be grasped as such by philosophy. Second, the concept of freedom as final cause is, as with Absolute Knowledge in the Phenomenology, discovered a posteriori. Hegel's philosophy of history can claim what it does because it itself occupies a unique historical position. Were Hegel's philosophy of history an a priori one, then he would be forced to identify some transcendent subject which moves history according to some pre-determined plan. Although this view accords with some interpretations of Hegel, it seems to me to be highly implausible. For one thing, such eschatological theories of history point to a state of perfection or grace beyond the human world which is somehow related to the human world. Hegel resolutely maintains that Spirit is actualized in human history, and not beyond it.

"The realm of the Spirit consists in what is produced by man. One may have all sorts of ideas about the Kingdom of God; but it is always a realm of Spirit to be realized and brought about in man."¹²

The a posteriori nature of the claim for a final cause of Spirit and history cannot be refuted on a priori principles. Any such refutation must challenge Hegel's ordering of the actual empirical materials of history.

Third, Hegel's historicism is not a self-refuting relativism. One of the arguments against historicism is that, since all knowledge presupposes a historically-determined frame of reference, then there are no grounds for choosing one frame of reference over another. Thus Leo Strauss writes that "there is a variety of such comprehensive views, each as legitimate as any other: we have to choose such a view without any rational guidance... Our choice has no support but itself: it is not supported by any objective or theoretical certainty...".¹³

Hegel clearly believes that his philosophical view is objective and supportable. As already noted, the refutation of this view must produce evidence, and this is a challenge which Hegel himself sets. Far from arguing that there is no (absolute) truth - which Strauss implies is a feature of historicism - Hegel argues that he has discovered absolute truth. Although, no doubt, there are philosophers who will defend radical relativism, this is not a necessary consequence of historicism properly conceived. Even short of anchoring our perspective from which we view history and the historical development of forms of consciousness and knowledge upon the bed rock of absolute knowledge or end of history, we need not accept Strauss' argument. Hegel himself has shown how a critical attitude towards philosophical positions can reveal incoherencies and contradictions according to their own principles and standards. This "internal" critique can include historicist considerations without falling into a bottomless pit of relativism.

Having identified freedom as the final cause of history, Hegel turns his attention to the manner in which this final cause is actualized, that is, the "efficient cause" of history. As Hegel states, freedom as final cause exists only as a possibility. "A second moment is necessary before it can attain reality - that of actualization; and its principle is the will, the activity of mankind in the world at large. It is only by means of this activity that the original concepts or implicit determinations are actualized." (RH. pp 69-70). Expressed in this way, it would appear that Hegel is claiming that, historically, individuals act for the sake of the universal concept of rational freedom. Nothing could be further from what Hegel states is the actual motive for human activity throughout history.

"An initial survey of history, however, would indicate that the actions of men are governed by their needs, passions and interests, by the attitudes and aims to which these give rise, and by their own character and abilities; we gain the impression that, in this scene of activity, these needs passions and interests etc., are the sole motive forces. Individuals do at times pursue more general ends such as goodness, but the good they pursue is invariably of a limited character ... We may well see the ends of reason realized in the virtues of individual subjects and in their sphere of influence; but these are only isolated individuals who constitute but a small proportion of the mass of mankind when we compare them with all the others, and the extent to which their virtues are effective is relatively limited." (RH. p.68).

This appears as an irresolvable paradox. How is it possible for universal freedom to be actualized by particular individuals who act only out of passion with no regard for the universal? As a first step towards resolution Hegel qualifies the notion of passion, and states that he means no more by it than the "active interest" of those who act in the world. "Passion is the subjective or formal aspect of the energy of active volition-irrespective of its actual content or end- and this distinction between form and content also applies to all personal convictions, opinions and conscience. (RH. p.73). Therefore, passion is not necessarily inimical to reason, but rather emphasizes that individuals only act when they perceive that it is in their interests to do so. I believe that the seeming paradox between freedom and passion can be further resolved if we recognize that rational freedom is not against the interests of the individual. To say that individuals act for the sake of subjective interest need imply nothing more than that individuals act in order to satisfy their needs. Satisfaction of such needs - physical, intellectual, religious - can appear as a type of freedom. But certain kinds of satisfaction are

illusory, for they contain the seeds of their own negation. As a simple example, to restrict political freedom to only a small class of individuals is to prepare the way for the ultimate eruption of dissatisfaction and resentment on the part of the excluded classes, an eruption which will surely be chaotic and may even succeed in destroying the privilege which was formerly viewed as the basis of freedom. Therefore, from the perspective of the end of history (Hegel), the relentless search for satisfaction can be seen as the unconscious search for ever more adequate forms of experience in which freedom can be actualized. Passion, therefore, can be seen as the handmaiden of reason and freedom.

As we have seen, Spirit's determinate existence, for Hegel is discovered in the nation. The hierarchical arrangement of historical epochs is seen as the march of Spirit through history. It is Hegel's contention that nations break up when they are unable to contain the pressures for change building up within them. The determinate shape of Spirit which informs the new nation is contained in germ in the nation which is suffering decline.

"The higher universal [i.e. the new shape of Spirit] which supersedes it [the lower or antecedent shape] is, so to speak, the next variety of the previous species and is already present within it, although it has not yet come into its own; and it is this which makes the present reality unstable and fragmentary." (RH. p.82).¹⁴

Great historical transformations, Hegel argues, must be seen in terms of a transition to a new set of principles. Such transformations may occur as a result of many different factors; some may be mysterious or fortuitous, while others will be clear and unambiguous.

One of the features of such major historical upheavals Hegel

terms the "world historical individual". At different times in history great individuals harnessed all the available energies and passions and effected great and irreversible historical changes. The particular talent of a Caesar or Napoleon is to grasp the emergent self-consciousness of the age and to "make it their own end". The world historical individual succeeds because he knows what the age demands, what kinds of change the people want, and the ways to effect what is perceived as necessary. Once again, it would be a mistake to see the world historical individual as motivated by the pure ideal of rational human freedom. The significance of those individuals is that their personal motives - be they greed, lust, power hunger - are best served by bringing into being what the historical epoch demands. Although the true individuality of Spirit is in the nation, at various moments in history the self-consciousness of an age becomes identified within the visionary self-consciousness of a great historical actor.¹⁵

One other point must be made before we proceed. The portrait I have given of passion and the world historical individual may appear far too sanguine. It is possible to view this as a gloss over the horror and suffering endured by actual individuals - whether single persons or entire nations - in history. Certainly the progressive structure here presented appears optimistic. Hegel himself is well aware of this problem. Hegel's philosophy of history consists of lectures he delivered to university students. In the Introduction to those lectures, when discussing the role of passion in history, he takes great care to point out the horrors of the past. He argues that it is only with utmost "selfish complacency" that it is possible to view the past with equanimity. But amid the confusion

and wreckage there is a progressive pattern to be discerned. To recognize this is not to ignore or justify the horrors of the past. Philosophy must look for the truth and Hegel argues that he is presenting the truth of history. Certainly, the sufferings of the past may not have been necessary for freedom to become actual. This, however, does not negate the fact that they did take place, and that it was through such struggle that freedom did advance.

"But even as we look upon history as an altar on which the happiness of nations, the wisdom of states, and the virtue of individuals are slaughtered, our thoughts inevitably impel us to ask: to whom, or to what ultimate end have these monstrous sacrifices been made?" (RH. p.69).

To answer that the cause of human freedom may have been advanced by this monstrous history is not to diminish or justify the horrors of the past; rather it may inform this history with a dignity it might not otherwise have, and serves as a constant reminder of the high cost of our present freedoms.

The material cause of Spirit's progress towards actualization provides the "material which is available or which has to be procured in order that the end may be realized." (RH. p. 93). Hegel, therefore must provide an answer to the question: "What is the material in which the ultimate end of reason is realized?" (*ibid*). Hegel's answer is clear and unambiguous; the material cause of the emergence of Spirit is the state. After identifying the state as the material cause Hegel proceeds to specify the way in which the state is "the reality within which the individual has and enjoys his freedom, but only in so far as he knows, believes in, and wills the universal". (RH. p.93). This specification refers primarily to the Idea of the state, or the state as absolutely rational. If the concept of the state is that it is the substantive embodiment of the freedom of the

individual, then the Idea of the state is that substantive nature made actual as a living, actual state. Clearly Hegel's discussion of the state in the Philosophy of History overlaps with much of what he says in the Philosophy of Right. Therefore, I intend to reserve discussion of the concept and Idea of the state for the examination of Ethical Life in the next chapter.

There are, however, several points which can be made here which are significant, both for understanding Hegel's philosophy of history and for preparing the way for the discussion of Ethical Life. We have already seen that philosophical world history can be regarded as a history of self-consciousness. We have also noted Hegel's insistence that the individuality of Spirit - its specific determinations in history - is represented in the life of the nation. The relation between those two elements provides the essential foundation for comprehending Hegel's political philosophy as well as his philosophy of history.

In the Phenomenology the section on self-consciousness is introduced by the famous dialectic of master and slave. There are numerous commentaries on this dialectic and it is not necessary for our purposes to present a synopsis of the actual details of it.¹⁶ The significance of this dialectic is that self-consciousness can only emerge within a social context, in this case the struggle for dominance and recognition which necessarily involves at least two persons. In the master-slave dialectic the self-consciousness which emerges is that of a specific individual, this master or that slave. The slave, for example knows himself not only as a slave in general (servitude as a universal), but as this particular slave who is the slave of that

particular master (who represents in himself a particular embodiment of mastership as universal). In the preceding discussion in the Phenomenology of consciousness Hegel demonstrates that the "I" of epistemology can never be the specific and individual. The "I" of Descartes' cogito is a pure universal. It is not a concept which is capable of specifying this particular "I". Kant's "knower" of the critical writings is a "transcendental ego" and not any individual. But the slave is an individual in a way that the abstract, cognizing subject of epistemology can never be. And this individuality only emerges as a result of a struggle for recognition which requires a social context.

We have already discussed Hegel's concept of individuality as the mediated unity of universal and particular. Now, it is Hegel's contention that human individuality as a concrete reality can only emerge within the social context. Individuality without self-consciousness is an empty abstraction and self-consciousness is only possible in the context of an explicit dialectic of self and other. This is the conclusion of the analysis of the emergence of self-consciousness in the Phenomenology. But the Phenomenology is only concerned with what, minimally, must be present if self-consciousness is to emerge. When we turn to actual history the problem is somewhat different. We cannot point to a specific event and claim that it marks the beginning of human history. At best, we can only indicate conceptually what must be present if there is to be a history of man at all. This minimal condition for the possibility of human history is the emergence of self-consciousness.

Once again, the master-slave dialectic provides the key to understanding this claim. The slave is what he is as a result of a

struggle with an other (the master). His consciousness of himself is mediated by the past because he knows himself as a slave and is a slave precisely because of his capitulation to the master. This struggle, this "past", is constitutive of what he is in the present - a slave. His present sense of self, his self-consciousness, is mediated by the process which brought him to his present state of servitude. His self-consciousness is not atemporal and ahistorical. The history of the struggle which resulted in his capitulation is not peripheral or inessential to his concept of self. His self-consciousness is historical. He cannot conceive of himself as a specific individual at all unless he has some knowledge of the past, of his history.

It may appear that I am presenting self-consciousness as a product of history, in contradiction to my original claim that history is only possible if there is self-consciousness. This is incorrect, however, for what I am attempting to demonstrate is that, for Hegel, history and self-consciousness emerge together dialectically. History and self-consciousness are each self-and-other mediating concepts. The slave, for example, conceives of himself historically. The historical struggle which produced his condition of servitude mediates his self-consciousness and circumscribes limits to his future possibilities. That is, the fear of the other which caused him to capitulate now enslaves him to the master. His memory of this fear precludes revolt against the master. But as he works for the master he begins to discover his own powers, his own value. This discovery must be regarded as a shift in his concept of himself. But this discovery emerges over time as he labours for the master, and it becomes part of the slave's history. That is, the history of his fear and capitulation is gradually displaced by his history as a valuable and

productive worker, albeit in the service of another. The history of his value as a productive slave displaces the history which resulted in his initial condition of servitude. This can also be represented in terms of his changing concept of self, for from abject worthlessness he is now developing a self-consciousness of his own value. The history of the slave and the self-consciousness of the slave develop together as two distinct but inseparable elements of a dialectical totality.

Now, the master-slave dialectic indicates the conceptual link between self-consciousness and history. But it may look as if this relation is essentially one-sided. That is, the discussion so far has focused on the self-consciousness of the slave and the importance of the history of the slave to his self-consciousness. Further, developments in this self-consciousness may appear to be structured within the subjectivity of the slave. But we should not overlook the objectivity of the master-slave relation. The slave may regard himself as a valuable human being, and even as a more valuable individual than his "parasitic" master. But he is still, objectively, the possession of an other will. Until he is willing to reject his own servitude and challenge the master he may think of himself in whatever manner he please but he remains a slave. The examination of stoicism in the Phenomenology focuses on just this subjectivism and demonstrates its falsity as a concept of freedom. The social context is conceptually prior to self-consciousness and we cannot deny the importance of this context in its substantive objectivity. The claims of subjectivity can never deny the substantive nature of the objective order in which the subject finds himself and must live his life. Indeed, at a more profound level, the denial of the objective world is

itself contextually determined.¹⁷

When we turn from the analysis of the conceptual link between self-consciousness and history to the actual material of philosophical world history, a different range of problems emerges. We know why Hegel characterizes history as a history of self-consciousness. We can also understand the epochal nature of this history, for different epochs involve different modes of self-consciousness. But we may ask, with justice, why Hegel introduces the state and the nation as the proper material for this history. What is there about the state and nation which makes it a worthy object of philosophical world history?

Given the historical dialectic of self-consciousness within a determinate social context, Hegel's argument is that the concept of a nation provides us with the most meaningful concept of a determinate social context. Hegel writes:

"A nation's religion, its laws, its ethical life, the state of its knowledge, its arts, its judiciary, its other particular aptitudes and the industry by which it satisfies its needs, its entire destiny, and its relations with its neighbours in war and peace - all these are intimately connected."¹⁸

It is this totality of distinct but inseparable parts which Hegel describes as the nation.

Hegel pushes this point as far as he can, for he argues that this totality of distinct elements - the nation - can be grasped in spiritual terms. He argues that, in all the constituent elements of the nation, there runs one principle which is

"basic to them all, the spirit of their determinate character which permeates every one of them. This principle is the nation's self-consciousness, the active force in the destinies of all nations." (RH. p. 102).

The nation, or state,¹⁹ is an individual embodiment of spirit. The concept which a nation has of itself constitutes its self-consciousness. This spirit of a nation, its self-consciousness, is a result of many different factors which can include such seemingly disparate elements as geography, climate, good fortune, possession of particular natural resources, and so on. Not least, by any means, is a nation's awareness of its own history, in a manner analogous to the slave's recognition of his history. A nation's history not only tells the story of how it developed to its present stage, but also structures the possibilities available to it for further development.

We should guard against viewing the state as an autonomous, transcendent entity with a spirit independent of its citizens. Nothing could be further from Hegel's intentions. The self-consciousness of the citizens of a nation and the spirit of that nation (which Hegel describes as the self-consciousness of the nation) are dialectically connected, and develop together. The emphasis on the self-consciousness of the nation is intended to undercut attempts to reduce the spirit of a nation to the self-consciousness of its citizens considered as abstract individuals. In the master-slave dialectic we saw that the self-consciousness of the slave emerges within the context of the master-slave relationship itself. This relationship, this context, cannot be reduced to the self-consciousness of either the master or the slave. The self-consciousness of the master and slave is, respectively, that of a master who is master of a slave or a slave who is a slave of a master. The self-consciousness of each is structured by the context which envelops both of them. Similarly, the self-consciousness of the citizen cannot be separated from that of the state of which he is a citizen.

"The individuals (citizens) belong to this spirit (of the nation); each of them is the son of his nation, and also, in so far as the state to which he belongs is still developing, the son of his age - for no one can remain behind the age he lives in, let alone transcend it. This spiritual being is his being, and he is its representative; he arises out of it and exists within it."
(RH. p. 103).

Historically, there have been individuals who have risen above the spirit of their age. The argument for the importance of world historical individuals rests on the ability which some great men have had to grasp the spirit of the coming age and to translate this into actions of great historical consequence. But Hegel would argue that even such historical "breaks" must be understood as arising out of the spirit of the previous age. We are familiar with Hegel's argument that all negation is determinate negation. The struggle to create a new concept of the self is a determinate negation of the old concept. The determinate negation of the "old spirit", of old structures, can only make sense if we recognize the context in which it occurs. It is in this sense that even rebels and visionaries are "sons" of their nation.

What is true of individual citizens applies equally to other groups within the totality of the state. Families, for example, differ conceptually from one nation to another. The "extended family" may exist "naturally" in some nations while it would be regarded as intolerable in others. The domain of individual rights and spheres of activity will also depend on the wider context of the state. Hegel argues that even the natural sciences are contextually determined and limited. We may, in modern times, regard this last claim as suspect, but we need only reflect on the fact that, in certain epochs, whole

areas may be considered closed off to natural scientific investigation. Conversely, subjects such as phrenology or alchemy are not considered genuinely scientific now, but at one time were highly-regarded sciences. The widest possible net which can include all of those "spiritual" elements is the state or the nation. The spirit or self-consciousness of this unit is the primary object of a history of the development of spirit or self-consciousness. It is for this reason that Hegel describes the state as the material in which the ultimate end of Spirit is actualized.

The use of the term "state" is not without problems. It may appear that the real answer to the question "what is the material cause of history?" is "everything" and, for the sake of clarity and intellectual respectability we will call that "everything" the "state". That appearance is supported by the seeming interchangeability of the terms "state", "nation", "people", "culture" and "civilization". It is true that different terms are used to describe what appears to be a unitary concept, namely the appearance of Spirit at a determinate stage of development. Despite the problems, I believe the identification of the state as the material cause of history is defensible in Hegelian terms.

Freedom, as we have seen, cannot become actual until the human world is transformed through human activity. The state is the objective embodiment of the free will (the discussion of Abstract Right and Morality prepares the way; as we shall see, for the introduction of the state as the true ground of human freedom). Philosophical world history is concerned with the developments of freedom from Concept to Idea and, therefore, must examine the efforts by man to transform the world in accordance with his demand to live

a free, rational life. That struggle is not merely subjective; it must not be seen as a series of attempts to alter self-consciousness in abstraction from the world. The struggle has an objective moment, since the objective world must be transformed if freedom is to become actual. The term "state" - including as it does the widest possible range of objective institutions - captures most completely the objective moment of spiritual development.

It is true, of course, that Absolute Mind - Art, Religion, and Philosophy - is higher than Objective Mind and marks the highest development of Spirit. But even the philosopher has the state as his proximate matter and can no sooner leave his own spiritual age than a man can "leave his skin". Although it may be possible to write a history of Spirit in terms of a history of philosophy it would be misleading. The self-consciousness of the philosopher is intimately bound up with the spirit of his age. The most objective evidence of the spirit of an age is found in the objective structures of the state. (Family law, for example, is an objective statement, in Hegel's view, of the spiritual reality of the family in a given historical epoch. As such, it is of greater value than questionable statements about the subjective dispositions of particular family members.) In the case of the philosopher he must be regarded as within the totality of the state even though his wisdom may appear to place him beyond the state.

The domain of objectivity which Hegel terms the "state" appears to be much wider than the domain of objectivity which he includes within the "state" in the Philosophy of Right. Before we leap to that conclusion, however, we should remember that the state in the Philosophy of Right has as its proximate matter the entire range of Subjective Mind, Objective Mind and the historically-overcome states

which had previously appeared. In the Philosophy of Right the state is an extremely wide concept, although its actual description may appear limited. The state is objective and embodies in substantive form the self-consciousness of its citizens. Hegel's use of the term "state" to describe the material cause of philosophical world history underlines for us the important notion that the Concept of freedom demands objectivity if it is to become actual.

The last cause to be discussed is the formal cause. The first three causes discussed were all, in a sense, abstract. Although they specify certain features of philosophical world history in general, they are unable to identify precisely what distinguishes one state from another. The formal cause of Spirit is intended to accomplish the "concretization" of differences between the various world historical states.

"The points hitherto discussed (i.e. the final, efficient and material causes) have concerned the abstract moments which occur within the concept of the state. But it is the Constitution which puts this concept into execution and adopts measures to ensure that all that happens within the state is in accord with its nature." (RH. p.116).²⁰

Hegel here is using "constitution" in a way similar to Aristotle's use of Politeia in the Politics.²¹ Hegel does not mean by constitution the abstract rules of government; rather he regards the constitution as embodying concretely the ends of a particular state. Those ends, in turn, inform the entire life of the state, both its objective institutions, modes of production and so on as well as its cultural life, ethical norms and expectations of the citizens. In short, the constitution of a state embodies objectively the self-consciousness of the state and, hence, its citizens.

Therefore, it is to the constitution of a state that we must

look if we wish to discover the specific embodiment of Spirit in that state. Philosophical world history looks to the constitutions of actual historical states in order to identify the path of Spirit's emergence. From the perspective of the Hegelian absolute, or "post-historical" perspective, those constitutions exhibit a hierarchy of ever more complete embodiments of the principle of freedom.

"The constitutions of states, however, vary according to the form which the totality assumes. The state is rationality made manifest in the world, and the various constitutions accordingly succeed one another, each with its distinct principle; and it invariably happens that the earlier forms are superseded by those which follow them."
(RH. p. 120).

The hierarchy of forms of states is significant because it exhibits Spirit's emergence. Hegel is adamant that historically superseded forms are significant only in that historical sense. They are of no value in determining modern constitutions, that is, of providing models for modern constitutions. This is a theme which Hegel constantly returns to in an effort to counteract both a romanticism which yearns for antecedent political forms and a rationalism which seeks to create wholly new ones (utopias) which can then be grafted onto modern reality. Both positions refuse to recognize the reality, the power, of Spirit. That is, present reality is a result of historical development and exhibits entrenched features which no amount of wishing can disperse. I shall return to this point in the next chapter, but it is worth noting that what is often taken to be conservatism in Hegel is often nothing other than a deeply considered, philosophically justified realism.

The teleology which Hegel claims to have discovered in human

history is one of the main points of contention within his entire system. In the final chapter of this thesis I intend to raise some problems concerning the relation between Hegel's philosophy of history and the theory advanced in the Philosophy of Right. For now, however, it is worth mentioning that many of the charges raised against Hegel rest on a misunderstanding of what he actually says about history. First of all, his notion of freedom as a final cause does not entail an a priori construction of history. In fact, the reverse is true for the very notion of history which Hegel sets out is inimical to such constructions. Hegel is writing about the past, about actual history philosophically considered. Hegel only claims to have discovered what is already present in that history but has not yet been identified. He is the first to do so not because he is more brilliant than Aristotle or St. Thomas or Descartes, but because he himself is writing at a particular moment in history, a moment when the emergence of Spirit in and through history is complete. Aristotle could not have recognized this precisely because the emergence is historical, and history was "incomplete" when Aristotle was alive. It follows from this that Hegel's historicism has nothing whatever to do with Popper's notion of historicism as a "predictive" science.²²

Second, Hegel's philosophy of history need not explain every historical fact, nor relate every historical fact to Spirit's emergence. History need not have happened exactly as it did for Spirit to have emerged. Indeed, were man a different sort of being then there may not have been any history at all, at least in the sense in which we distinguish human history from natural history. But, Hegel maintains, man is what he is and Spirit did emerge in this way. We may think of less bloody ways in which Spirit could emerge but this is

only empty wishing. Much of what has been may not only have been otherwise but may not even be fully comprehensible from the perspective of philosophical world history. For example, passion may be the efficient cause of spiritual development but this does not entail that every passionate act is equally comprehensible. Many different motives may lie behind specific acts, and those motives may always remain hidden. Contingent circumstances may have dictated certain actions, and contingency can never be explained away. Similarly, the motives of world historical individuals may always remain opaque. None of this is a direct challenge to Hegel for he does not claim to explain history in this way. He is, rather, arguing that the great sweep of history exhibits a logic of development. Indeed that logic can never provide a complete account of the subjective motives for an act. For example, the exact motives of Luther, his particular psychological make-up as well as his own view of his historical mission is ultimately irrelevant to the development which Hegel claims to have discovered. The significance of the Protestant reformation is far greater than could ever be explained by its characterisation as a doctrinal dispute within the Christian church. It certainly did involve such a dispute and this dispute may have dominated the consciousness of the principal historical actors involved, but its significance for Spirit was far greater than this.

Hegel does not rationalize, in the sense of explain away, every event in history. He claims only to identify the rational kernel within the seeming chaos of history. But this grand historical scenario does imply that any significant explanation of phenomena must take account of the history of that phenomenon which is to be explained. This, of course, is historicism in the weaker sense. Hegel can only

support his larger claims about Spirit if the lesser claim that each civilization (cultural, political) exhibits its own historically-determined structural forms holds good. If there are no unifying structural principles within a state then it is impossible to identify historical development from one state to another. Development, in Hegel's sense, requires change in the principles which structure spiritual entities. But change in the structural principles of a state presupposes the existence of a state which is so structured, that is, it presupposes political and cultural unity. Once again, such a claim is not a priori but rather depends on an examination of actual history. This is an empirical matter and is subject to empirical falsification. Hegel does present his evidence for such a claim in the main body of his Lectures on the Philosophy of World History. There he argues for the unity of actual historical states as well as identifying the significance of each state for the emergence of Spirit.

Although it runs counter to Hegel's intentions, it is possible to separate the two types of historicism. Most historians would defend what I have called the "weaker" version of historicism while very few would defend the stronger one (i.e. the one attacked by Popper). (In the social sciences, the "historical" understanding of social and political phenomena is "making a comeback" after several decades of derision by those social scientists who took the methods (as they conceived them) of natural science as their model for social science.) Of course, it is possible to accept the notion of cultural and political unity and the necessity of explaining social and political phenomena within this context without accepting the tenets of historicism. Increasingly, however, the principle that the dynamics of a political society must be grasped in their historical development

is gaining acceptance.²³ This weaker version certainly owes a great debt to Hegel, although he would regard it as an evasion of the "hard task" of philosophy whose proper object of examination is the historical "coming-to-be" of Spirit.

Finally, and perhaps most important for our study of the Philosophy of Right, the emergence of Spirit is nothing less than the emergence of human rationality and freedom. Hegel does not separate human "nature" from the objective institutions which embody Spirit. The examination of world history from a philosophical point of view is not to be understood as a search for those objective institutions which are most adequate to a fixed human "essence". (This type of philosophy of history was a feature of eighteenth century enlightenment.²⁴) Hegel "historicizes" not only the state but also human rationality itself. The point about the concept of Spirit is precisely that those two developments (state and man) must be regarded as developing together dialectically. We have examined the way in which Spirit is said to inform the entire civilization of a people. We have also seen that the very concepts of self-consciousness, of rationality, are informed by the "spirit of the age". The final point which must be made is that Spirit is the objective, universal moment of human rationality.

We are familiar with Hegel's discussion of the individual as the concrete unity of universal and particular. When we turn our attention to the broad canvas of world history we see that those concepts are of great importance for the philosophical comprehension of history. What is truly universal in Spirit is freedom and human reason. But the universal, by itself, is an empty abstraction. The content for the universal is discovered in the life of a cultural and

political entity which Hegel, depending on the context, alternatively terms a "state", or a "nation" or a "people". That is, the different states examined by Hegel are each particular embodiments of Spirit. Now, within each particular state persons are born, live active lives, and die. They produce goods and artifacts, worship in determinate ways, create beautiful objects and philosophize. The totality of particular acts is understood as the Spirit of the state, or the nation or the people. Spirit is not a simple summation of particular acts but is understood as the set of principles which inform the entire life of the people and makes coherent the variety of particular acts and events.

Now, to the people of any particular state, the spirit of their state may remain somewhat obscure. Even if the "people", or some individuals within the state, recognize the existence of something called the spirit of their state, this spirit will appear different to them than to "us", the "philosophical world historians". This is so because we bring to bear an understanding of the totality of Spirit, of its development in and through history. To each antecedent particular state, the spirit which informs it is regarded by its citizens as, in some sense, unique and separate. The people within a particular age cannot regard itself as a particular embodiment of universal Spirit, for the development of this universal qua universal can only be discovered at its end, i.e. the discovery of reason in history, of world Spirit, is itself a "post-historical" discovery. To be more precise, that discovery brings the development of Spirit to an end.

From the perspective of the end of the development of Spirit we can discover what is universal in world history, namely human reason and freedom. Further, we can see that each historically

significant state is significant precisely because it advances the development of the universal. Therefore, each cultural epoch, each state, is not seen as unique in and for itself, but rather is seen as a particular stage within a universal process. But this requires abandoning ideas about the discrete particularity of different states. We now must regard each culture as embodying, in a deficient form, the universal. Universal and particular are not separate. The particular is significant because of its dialectical relation to the universal. In Hegel's logical terms, each state is an individual because it is a particular embodiment of the universal. To be sure, the only truly concrete individual is the final state which actualizes Spirit absolutely. But to regard each antecedent state as an individual, albeit a deficient one, serves as a constant reminder that philosophical world history looks to the historical succession of actual states for the development of the actual content of universal freedom and reason.

When we turn from the notion of the state as a spiritual individual to the individuality of its citizens we can discover the relation between human individuals and Spirit. Similar to the discussion of Spirit, what is universal in man is human reason and freedom. But also each man is a particular person with particular needs, dispositions and talents located within a particular spatio-temporal state. Universality by itself is empty, while unchecked particularity is both heteronomous (in Kant's sense) and, when we look to the social and political world, anarchic. The resolution is the concept of the concrete individual in which the particular activities of the individual are informed throughout by reason. It is the concrete individual who is free in the full-blown, rational

sense of freedom. But where, we may rightfully inquire, does this universal come from? The answer to this question supplies the cornerstone of Hegel's political philosophy.

In the Introduction to the Philosophy of Right Hegel discusses the universal and particular moments involved in human volition. The individual is aware of his capacity as a thinking, willing human being to choose between various possibilities. By itself, this universality is empty, an "unrestricted infinity of absolute abstraction or universality, the pure thought of oneself". (PR. No. 5). Particularity refers to the necessity to act and to thereby choose one course of action rather than an other one. But this stepping "into determinate existence" involves a loss of the freedom of pure universality, for the person no longer has before him an indefinite series of possibilities. The resolution of the conflict between universal and particular is possible only with the introduction of the concept of individuality. The individual realizes that his particular acts do not conflict with his universality, but rather actualize it.

"It is the self-determination of the ego, which means that at one and the same time the ego posits itself as its own negative, i.e. as restricted and determinate, and yet remains by itself, i.e. in its self-identity and universality." (PR. No. 7).

But this dialectical resolution of the universal-particular dichotomy is highly abstract. We still have the right to ask where the content comes from. Hegel's answer to this question is Spirit and its emergence in and through history.

We have already examined the relation between Spirit and self-consciousness. This relation provides us with an answer to the major question before us. Universal and particular are not free-

floating notions fluttering eternally above the maelstrom of history. An individual's sense of self, his notion of his powers, capacities, needs, possibilities is intimately bound up with the spirit of the state in which he lives. When we speak, for example, of the spirit of classical Athens we think of vigorous participation in public life by free men as well as the fact that such public virtue was based on a system of slavery. The free Athenian clearly viewed his world and his duties and possibilities within that world in a manner quite distinct from our view of our place in the modern world. The outrage that fills us when we think of slavery, for example, would have perplexed even so noble a thinker as Aristotle. The recognition that citizens of different states with widely varying cultures have different concepts of the self and the world is, I think, beyond dispute. This is not to argue against structural similarities between disparate cultures; rather only that the content of those formal similarities is very different. Indeed, the notion of self-consciousness would be one such formal structure for Hegel, although the different contents of self-consciousness is precisely what is under investigation.

Once we see that self-consciousness, if it is to be viewed concretely, requires historical understanding, then we must follow this through until we recognize that the universal and particular moments within individuality are also historically determined. For example, the free citizen of classical Athens thinks of himself as an Athenian, with all the attendant rights and duties. This self-concept does not exist outside him; it is not an external set of constraints. Rather he exists for himself as an Athenian, i.e. as a determinate person with determinate rights and duties. This self concept is a universal for it establishes explicit principles which inform his

entire life. Particular acts are performed by him as an Athenian and there can be no absolute separation of his particular acts from his universal concept of himself as an Athenian. In other words, the Athenian is an individual in Hegel's sense of the term. In a similar way, individuals within all civilizations have concepts of the self - whether it be as a Roman citizen-soldier, a medieval monk, a British trade unionist - which are intimately bound up with the dominant modes of self-consciousness of their time.

But this leads us directly to Spirit, for Spirit can be properly regarded as developing modes of self-consciousness grasped historically. The content of the universal moment of the Athenian's self-consciousness is provided by the spirit of classical Athens. Particular acts and thoughts are subject to any number of influences but, if the Athenian is to remain well integrated with his world, they will be informed throughout by the universal. Of course, the individual citizen may question the very "givenness" of the spirit of his state. He may even reject it and seek to overthrow the state and the spirit which sustains it. This act of critical reflection by citizens is one of the primary causes of historical change. But even this act of rejection must be understood within the context of the universal content provided by Spirit.

Spirit achieves individuality in the historical state. The individuality of the state, expressing as it does the dominance of one stage of Spirit or "national" self-consciousness, provides the content for the universal moment within the self-consciousness of its individual citizens. The history of Spirit is not a history of political states which are more or less adequate to the requirements of a universal and eternal human nature. The history of Spirit is the

history of the development of the content of universal self-consciousness. The hierarchy of stages of self-consciousness in history describes the development of increasingly complete concepts of the self. But concepts of the self are not independent of political, social and cultural development. The two strands of development emerge together dialectically in and through history. An adequate concept of the self is only possible in a state in which reason and freedom are actual. For example, the self-concept of the Athenian citizen has, as its universal, the self-consciousness of Athens itself. The pressures which ultimately decay and destroy Athens destroy the self-concepts of individual Athenians as well. The displacement of the old order involves an alteration in self-consciousness expressed as a development of Spirit. Concomitantly, that spiritual development provides a new universal content for the self-concept of the citizen of the new state. The only point of rest for this dialectic of Spirit and individual citizen is at the end of this process, in the rational state in which the individual knows himself to be free and knows that the objective rational order of the state is the substantive, universal moment of this freedom. It is a point of rest, an end, because all citizens of a rational state know themselves as free individuals, and know that their individuality is the concrete unity of the universal rationality of the state of which they are citizens and their particular needs, capacities and desires which mark their own uniqueness within the rational order.

The transition in the Philosophy of Right to Ethical Life can only be properly understood against the background of Hegel's philosophy of world history. Ethical Life is not the simple combination of antecedent moments. Abstract Right and Morality are themselves abstract embod-

iments of Spirit. Both positions presuppose an abstract, rational individual. Not only is this a logical abstraction and a historical impossibility, but the very presupposition itself emerges historically and collectively. Both positions reflect the historically-generated demand that true freedom must be seen as a right of the individual. But Hegel's philosophy of history demonstrates that individuality itself - the self-consciousness of actual, living human beings - can only be grasped within the social and political context of the history of Spirit. Individual freedom is a legitimate demand but it can only be actualized concretely when we have a developed concept of individuality. If we do not recognize the spiritual, collective (i.e. social and political) aspects of individuality, the demand for individual freedom remains abstract.

Hegel does not undertake a historical justification of Ethical Life in the Philosophy of Right. In his own mind he may have believed this was accomplished quite completely in his lectures on history; nevertheless, its absence in the Philosophy of Right has had unfortunate consequences. First, the transition from the individualistic starting points of Abstract Right and Morality to the collective starting point of Ethical Life appears to be both too abrupt and too easily accomplished. I have tried, in this chapter, to indicate the background to Hegel's remark that both positions "display in themselves their regression to this Idea as their outcome". (PR. No. 141, Remark). Ultimately, the Idea that they regress to is freedom conceived as Spirit, for both positions are themselves embodiments of Spirit and it is only as such that they have meaning.

Secondly, the abruptness of the transition obscures the reasons why Abstract Right and Morality are important. The arguments

raised against those positions are not intended to obliterate them, but rather indicate their essential limits, their ultimate self-contradictoriness. In Hegel's view concepts such as private property, moral autonomy, self-development, duty are great achievements of the modern age. The transition to Ethical Life is not based on the denial of this achievement; rather Hegel contends that those achievements are essentially spiritual ones which have emerged out of the collective history of mankind. The transition to Ethical Life underlines this and is intended to show that those achievements can only be made actual within the life of a spiritual community. It is not the case that the state is significant only as the guarantor of those achievements; rather those achievements are what they are only because of the objective development of universal reason which informs them and gives them their rational power. To deny this universal, objective, rational element (i.e. their spiritual aspect) is to strip those achievements of their substantive base. The result is the self-contradictory theories of Abstract Right and Morality. The rights of the individual can only become actual if they are seen, in their truth, as the concrete rights of the spiritual individual. But the spiritual individual is only possible within the spiritual totality of a state. Therefore, rights can only be actual within the state. The Lectures on the Philosophy of World History presents those rights as a historical achievement. The modern state is the formal cause of Spirit which actualizes freedom as the final cause of Spirit. In Ethical Life Hegel presents the philosophical outline of the spiritual reality of the modern state, of the spiritual reality which actualizes human freedom.

CHAPTER SIX

THE TRANSITION TO ETHICAL LIFE

FOOTNOTES

1. See Enc. No. 133-134.
2. PR. Knox translation, "Translator's Notes", Note 61, pp.345-346.
3. I should point out that Knox does not present his footnotes as a commentary on the Philosophy of Right. He restricts himself to occasional explications of obscure terms and passages in the book. The explanation for the transition which I shall present requires moving considerably beyond the Philosophy of Right and Knox cannot be faulted for not doing the same, since it would involve him in a labour which lies outside his stated intentions.
4. In this connection see Stephen Lukes, Individualism (New York, 1973). Lukes' monograph usefully distinguishes various concepts of individualism and shows where they relate to each other. In this chapter, I am most concerned with the notion of individualism which he labels "The Abstract Individual", pp. 73-78.
5. The literature is indeed vast. A recent collection of some of the main writings has been edited by John O'Neill under the title Modes of Individualism and Collectivism, London, 1973. This book also contains an extensive bibliography of relevant works. Lukes, op.cit., has a brief account of the debate.
6. PR. No. 141, Remark. The words in brackets have been added by me in order to maintain consistency between the quote and the terms I have been using.
7. The most famous attack in modern times on "historicist" philosophies was waged by Karl Popper, The Poverty of Historicism

(London, 1961). Popper is using the term in a very select way, however, for he terms "historicist" any philosophy which claims to be able to predict future historical events on the basis of an alleged grasp of historical laws. Such predictive powers Popper restricts to certain narrow areas of natural science. Much of what he says is sensible. Against him, however, are lined up the many varieties of historicism which make no such claims for predictive power. The literature is vast on this debate. O'Neill's collection, op.cit., contains articles which illuminate the debate. See O'Neill's own article, "Scientism, Historicism and the Problem of Rationality", pp. 3-27.

8. Charles Taylor, Hegel (Cambridge, 1975), pp. 76-127. Taylor denies that he regards Hegel's system as "Panentheistic" but does not show why this denial is justified. I believe that his view does entail this. It is useful to compare Taylor's view with that of Robert C. Whittemore who does argue that Hegel is a panentheist. See his "Hegel as Panentheist", Studies in Hegel, Tulane Studies in Philosophy, Vol. ix, (The Hague, 1960), pp. 134-164.
9. One of the strongest critiques of this position is to be found in Emil Fackenheim, The Religious Dimension in Hegel's Thought (Boston, 1970), pp. 75-116. Fackenheim argues that this "right" interpretation reduces nature and the human world to the status of "participants" in a transcendentally complete, ontological realm as described in the Logic. I agree with Fackenheim's attack on that view of Hegel.
10. cf. George Dennis O'Brien, Hegel on Reason and History: A Contemporary Interpretation (Chicago, 1975), pp. 11-36. This is an excellent analysis of the connection between self-consciousness and historiography.

11. ibid., p. 101.
12. RH., p. 44. Quoted in O'Brien, op.cit., p. 107. O'Brien presents a strong argument against the import of a theology, particularly a Christian one, into Hegel's philosophy. See pp. 104-107. He argues that a theological view cannot account for the distinction between the natural and human (historical) world which Hegel insisted on throughout his work.
13. Leo Strauss, Natural Right and History (Chicago, 1968), p. 27.
14. Additions in brackets are mine.
15. See RH. pp. 83-85 cf. PR. No. 348. Hegel's notion of the "world historical individual" is confusing, not least because Hegel appears to describe their actions and, more importantly, motives for action in conflicting ways. On this problem see S. Avineri, Hegel's Theory of the Modern State (Cambridge, 1972) pp. 230-234. I believe it is correct to describe the relationship between the world historical individual and the Idea of freedom in the following way: world historical individuals may act for a variety of reasons, but what constitutes their "greatness" for philosophical world history is that their actions resulted in an advance in the actualization of freedom. Rational universal freedom in its full complexity, cannot be the motive for their actions because, as Idea, freedom emerges over time and is only fully apparent at the "end of history". From the perspective of the end of history it is possible to say that, to the extent their actions advanced the progress of freedom, the Idea of freedom was implicit in their actions. The Idea, however, can never be the explicit motive for the world historical individual. This is true even

when historical actors have acted for the sake of actualizing freedom as they perceived it (in distinction from wealth, power or some equally "subjective" motive). The freedom for which they acted is limited or deficient, in comparison with the true Idea of freedom and so it is correct, in such cases, to maintain that the Idea was not the explicit motive for action.

16. The most stimulating commentary is that of Alexandre Kojève, "In Place of an Introduction" op.cit. Kojève demonstrates what is unique in Hegel's analysis of the emergence of self-consciousness. I believe, however, that in his commentary on the Phenomenology as a whole he tends to utilize in far too literal a fashion the figures of master and slave. For a more balanced view, see G. A. Kelly, "Notes on Hegel's 'Lordship and Bondage'", in MacIntyre, op.cit. pp. 189-217.
17. On this point it is worth recalling Hegel's analysis of the relation between rampant, unbridled subjectivity and the reign of terror in the French Revolution. See PhG. pp. 413-423; PhM. pp. 599-610.
18. RH. pp. 101-102. Hegel, in this passage credits Montesquieu for his insight into, and investigation of, the totality of distinct but inseparable moments which forms the state.
19. I use nation and state interchangeably in this section. If we regard the state as a set of objective institutions only, then the nation must be distinguished clearly from the state. The nation refers to a people, its civilization, mores, laws, art and so forth. This is obviously a wider concept than the state. However, as we shall see, Hegel defines the state in far wider terms than is conventionally the case. The nation in its

widest cultural and social sense is the proximate matter of the state and is included within the state. The state is the "totalizing" moment of objective life and its highest expression. Since the state, in Hegel, presupposes and subsumes the nation and orders the life of the nation through a set of identifiable, objective institutions I believe it is a more useful term to employ in order to convey the sense of the material cause of history. Also, Hegel uses "state" in the Philosophy of Right in the sense in which I use it here, and so the use of "state" in this chapter provides continuity between the Philosophy of Right and the philosophy of history. Hegel himself uses "state" in this sense in the philosophy of history. In his discussion of the material of Spirit's realization he states; "...the unity of the subjective will and the universal is the ethical whole, and its concrete manifestation is the state" and then further defines the state as "the focal point of all the other concrete aspects of the Spirit, such as justice, art, ethics and the amenities of existence". (RH. p. 93).

20. RH. p. 116. Additions in brackets are mine.
21. See Aristotle, Politics, 1289 b 27 - 1290 a 13.
22. See Herbert Marcuse, "Karl Popper and the Problem of Historical Laws", Studies in Critical Philosophy (Boston, 1973), pp. 191-208.
23. The debates about social science methodology are seemingly endless. I realize that my statements here reflect my own "prejudice" on the matter, although I think my view is defensible. Declarations about the "state of the discipline" are, of course, subject to all kinds of qualifications. I do believe, however, that the debates about methodology are shifting in favour of

"historicism". One of the charges which seems most telling against rival theories is that, presupposing a static social reality, they are unable to account for change. Not only are such presuppositions biased towards the status quo but they avoid some of the most important contemporary issues of social and political concern, issues which centre on the notion of change.

24. See O'Brien's discussion of this view, with particular reference to Condorcet in O'Brien, op.cit., pp. 107-111.

CHAPTER SEVEN

ETHICAL LIFE

Ethical Life is the third and concluding section of the Philosophy of Right. Hegel describes Ethical Life as the "Idea of freedom" which is to say that it is the "concept of freedom developed into the existing world and the nature of self-consciousness". (PR. No. 142). Recalling Hegel's identification of rationality and freedom we see that Ethical Life is intended as a description of an objective, rational existent order, an order in which human freedom is actualized. But it is also extremely important to remember that freedom and rationality must be seen as results of a development over time. In all of Hegel's mature philosophical works he proceeds from a starting point of immediacy and radical incompleteness, through increasingly complex "shapes" or "stages", to a final non-contradictory, coherent position of completeness. In the first chapter of the thesis I examined Hegel's "Introduction" to the Phenomenology as the most explicit and concise statement of his characteristic philosophic method. "Absolute Knowledge" was there described as the completion of the entire development traced in the book, and was regarded as the shape of consciousness which comprehended the entire structure of knowledge. It is not only regarded as the completion of this development but is also, ultimately, seen to be the absolute ground which informs this development with its systematic coherency.

In a similar way Ethical Life completes the development which has been described in Abstract Right and Morality. It is not a simple addition to an almost complete system of rights, nor is it a forced attempt to pull together two disparate lines of development. Ethical

Life completes the development towards political freedom to the extent that it overcomes and resolves all the contradictions which defeated prior theories of freedom. As with Absolute Knowledge it does this not by denying the validity or correctness of prior stages but rather by providing a structure within which what is valid is preserved and what is contradictory is cancelled.

In Chapter 6 Hegel's philosophy of history was introduced as a key to the understanding of Ethical Life. The spirit of a nation was seen to provide the context within which social and political events must be located if they are to be understood concretely. But this claim is widened to include theoretical statements about the nature of social and political reality; that is, specific social and political theories, if they are to be grasped, must be located within the spirit of the time when they were first set out. Ultimately, Hegel's philosophy of history demands that we regard the spirit of a nation as the concrete universal which grounds individual self-consciousness.

In an attempt to avoid the abstractness of the philosophical theories examined in the first two sections of the Philosophy of Right Hegel insists on regarding the human individual as a member of a spiritual collectivity. Spirit is not merely an aid to our understanding, a heuristic device which deepens our perceptions of human individuality. I believe that we must conceive of Spirit in a manner analogous to Kant's transcendental categories; the human individual cannot achieve self-consciousness except within the collective structure which Hegel calls Spirit. The reference to transcendental categories underlines the fact that self-consciousness would be impossible except for the existence of a spiritual totality within which the individual achieves self-consciousness. But the

transcendental character of Spirit must not obscure the historicity of Hegel's concept of Spirit. The actual content of Spirit changes over time and, hence, the self-consciousness of individuals in different historical epochs will differ accordingly. But the status of Spirit as a constitutive category of self-consciousness is trans-historical.

Abstract Right and Morality presuppose the abstract rational individual as their base. But this presupposition is comprehensible within Hegel's concept of Spirit for the notion of the individual as a rational "atom" is itself a result of historical development. The necessity of Hegel's concept of the spiritual collective as constitutive of self-consciousness is demonstrated in the ultimate appeal by both theories to existent social and political conventions, whether in the form of a system of justice or as a set of socially accepted mores and ethical norms. Hegel's great philosophical achievement is to recognize the conceptual priority of the spiritual collectivity over the rationality of the individual.

Thus the specifically modern notion that all men, qua men, must be regarded as having equal political rights must be understood within the development of Spirit. Similarly, the conception of man which gives rise to the demand that the individual has a right to self-fulfillment and autonomy from coercive forces is an achievement of the modern age. The self-consciousness which underlies those modern demands must be understood within the spiritual totality of the modern state.¹

It is for this reason that we must be wary of describing the ethical state as the guarantor of the rights of personality and moral subjectivity. Such a description presupposes the existence of such rights and then searches for the state which most adequately secures them. Such an approach involves us in the many problems we have

already discussed in the chapters on Abstract Right and Morality. In a sense, Hegel reverses this procedure. Rather than looking to the individual who is the bearer of such rights in abstraction from the spiritual collective, Hegel examines the spiritual collective itself in order to identify the genesis of the concept of the individual who has rights. Ethical Life is not Hegel's attempt to weld together the two antecedent phases of Abstract Right and Morality. The dialectic of Ethical Life presupposes the concept of Spirit as prior to that of individuality. Ethical Life is the specifically modern spiritual totality within which the individual can actualize his implicit rationality and freedom. The Philosophy of Right begins with an examination of the human will; the dialectic of Ethical Life traces the individuation of that will which actualizes concretely its implicit freedom.

Ethical Life, as the Idea of freedom, is intended as a complete description of human freedom. Hegel is not concerned to describe freedom in the abstract. Were this the case, he would necessarily restrict himself to a description of the concept of freedom and would be unable to describe Ethical Life as Idea. This claim illuminates Hegel's actual treatment of the institutions of Ethical Life. The claim for completeness, for systematic coherency, cannot be mitigated by special pleading. Ethical Life must be regarded as a description of the same sort as that which Hegel presents at the conclusion to the Phenomenology; that is, it must be seen as absolute, for if there were any remainder, it could not claim to be a presentation of the Idea of freedom but only of one of its antecedent moments.

As absolute, Ethical Life must be read as an attempt, by Hegel, to describe that objective order in which all the unresolved,

contradictory dichotomies which defeated rival theories of freedom are sublated. We have already had occasion to discuss Hegel's use of the term "individual" to signify the concrete sublation or resolution of the universal-particular dichotomy. As developed in the Philosophy of Right what is universal is seen to be objective and what is particular is seen to be subjective. Therefore, the free individual can also be regarded as the concrete sublation or resolution of the objective-subjective dichotomy. Ethical Life must be a presentation of the social and political institutions which create an objective order within which the rational individual actualizes his freedom. There is no sleight of hand involved in discussing individuality in terms of the free human individual. In the Logic, individuality may appear as a purely logical category, as the synthesis of universal and particular. But when we look to the actual life of men, those categories lose their formal, logical sense and are invested with determinate content. What is universal is the concept of reason and freedom, a concept implicit in man qua man. What is particular is the specific person, a historical being who exists in a particular state or nation. Individuality is not a formal synthesis alone, for it has for its determinate content the free citizen within a rational social and political order. Ethical Life must be a complete account of this free individual.

We can see Hegel's desire to present Ethical Life as a complete account of the rational order of freedom in the opening paragraphs of the third part of the Philosophy of Right. There he presents Ethical Life as the totality of subjective and objective moments of freedom. The "objective ethical order" is nothing other than the "absolutely valid laws and institutions" of the rational

state. (PR. No. 144). Historically, those laws and institutions can be seen as the culmination of the development of Spirit. In abstract logical terms they can be understood as concrete, existential embodiments of the concept of freedom, i.e. as the self-differentiation and actualization of the concept itself. Although those laws and institutions are objective embodiments of the universal concept of freedom, they cannot be separated from the individuals whose freedom they substantiate. "To these powers individuals are related as accidents to substance, and it is in individuals that these powers are represented, have the shape of appearance, and become actualised." (PR. No. 145). Rather than be regarded as self-subsistent universal entities, political laws and institutions only become actual through the self-conscious activity of the citizens of a state. Laws and institutions are relatively independent of and indifferent to the whims of particular individuals considered only in their particularity. But this must not obscure the necessity of conceiving of the free people, the citizens, of a rational state as related essentially to the objective order.

From the perspective of subjectivity - of the individual citizen - the relation between subjectivity and objectivity is equally essential. The objective laws and institutions do not represent some alien power which stands in a coercive relationship to the free will of the subject. We have already discussed in the previous chapter the way in which the state, as the spiritual individual, informs the universal moment in human self-consciousness. Hegel states this succinctly:

"his (the subject's) spirit bears witness to them (objective laws and institutions) as to its own essence, the essence in which he has

a feeling of selfhood, and in which he lives as in his own element which is not distinguished from himself. The subject is thus directly linked to the ethical order by a relation which is more like an identity than even the relation of faith or trust." (PR. No. 147).

The presentation is slightly misleading, for it may appear as if Hegel is describing two distinct totalities which become identified. Indeed, he appears to be stating this as his explicit intention. (PR. No. 143). In fact, however, each of the moments describes the exact same thing. Each represents the totality of Ethical Life expressed as the synthesis of object and subject, of laws and institutions on one hand and particular citizens on the other. The distinction between the two presentations is one of emphasis. When we emphasize the objective moment of the totality we see that laws and institutions can only be actualized in the self-conscious activity of the citizens whose freedom they substantiate. When we emphasize the subjective moment we see that self-conscious activity has, as its essential moment of universality, those laws and institutions. Hegel's "dual" presentation of this one totality serves to bring out its complexity and to highlight the necessity of regarding both subject and object as self-and-other mediating moments within a single totality. It must be noted that we could substitute the terms universal and particular for objective and subjective respectively and the analysis would be the same.

Hegel makes several other points in his introduction to Ethical Life which are best understood in their relation to the philosophical positions of Kant and Aristotle. Hegel's statement that there is no contradiction between duty and freedom clearly has a Kantian ring to it. Kant's condemnation of heteronomous freedom is echoed in the following passage:

"The bond of duty can appear as a restriction only on the indeterminate subjectivity or abstract freedom, and on the impulses either of the natural will or of the moral will which determines its indeterminate good arbitrarily." (PR. No. 149).

For Kant, true autonomy consists in obedience to the rational legislation of the pure practical reason. Practical law imposes an obligation on the free will and the degree to which the moral subject perceives the practical law as imposing an absolute duty to obey its dictates is a measure of the autonomous freedom of that individual. Hegel always applauded Kant's insight into the relation between duty on the one hand and reason on the other.

"In doing my duty, I am by myself and free. To have emphasized this meaning of duty has constituted the merit of Kant's moral philosophy and its loftiness of outlook." (PR. No. 133, Addition).

We have seen how Kant introduces the concept of pure practical reason in an effort to provide an objective theory of freedom, and how this noble attempt founders on the abstractness of his presupposed starting point. Hegel does not abandon the attempt to discover the nature of autonomous freedom; we may properly assume that Kant's attacks on heteronomy were, with some reservations, decisive for Hegel.² What Hegel does attempt to do is discover a locus of objective reason which is more concrete than Kant's notion of pure practical reason. It is clear from the discussion so far that the locus of objectivity is Ethical Life. The emergence of Spirit is the story of the historical development of a rational, objective order which satisfies the demand for a freedom which is not subject to heteronomous and contingent pressures.

"As substantive in character, these laws and institutions are duties binding on the will

of the individual, because as subjective, as inherently undetermined, or determined as particular, he distinguishes himself from them as to the substance of his own being...an immanent and logical "doctrine of duties" can be nothing except the serial exposition of the relationships which are necessitated by the Idea of freedom and are therefore actual in their entirety, to wit in the state." (PR. No. 148 and Remark).

Hegel's attempt to "expand" Kant's concept of practical reason necessitates a radical break with the modern tradition of political thought. His rejection of the "abstract individual" as a starting point requires a new sort of investigation, one which seeks to discover the logic of rational individuality and freedom within the spiritual community.

"Ethical Life is not abstract like the good but is intensely actual. Spirit has actuality, and individuals are accidents of this actuality. Thus in dealing with Ethical Life, only two views are possible: either we start from the substantiality of the ethical order or else we proceed atomistically and build on the basis of single individuals. This second point of view excludes Spirit because it leads only to a juxtaposition. Spirit, however, is not something single but is the unity of the particular and the universal." (PR. No. 156, Addition).

"Juxtaposition" here refers to the externality of the social and political order to the essential rationality of the "persons" and "subjects" of modern political theories. The juxtaposition is seen to be unstable and illusory when we pursue the logic of abstract individualism and witness its slide into the anarchies of property owners and moral fanatics.

In the last chapter I discussed Hegel's discovery of the concept of Spirit and the significance of this discovery for his political thought. In the opening passages of Ethical Life Hegel explicitly relates this discovery to certain aspects of classical

Greek political philosophy, in particular to the political thought of Aristotle. In the next chapter I shall discuss this relation in greater detail. For now, however, I should like to briefly point out a few features of this relation which may help to illuminate Hegel's discussion of Ethical Life. Before this, however, one note of caution must be sounded. We must not think that Hegel is trying to recapture the wonder of classical Athens. Ethical Life is no exercise in romantic nostalgia. While in his youth Hegel shared in the contemporary passion for all things classical, he soon moved far beyond such romanticism. In the Philosophy of Right Hegel is seeking to discover the logic of the social and political community. He establishes his starting point in Ethical Life through a critical examination of the dialectic of rival theories, and not through a historical flight of fancy. Further, Hegel constantly reminds us of both the defects of classical life (and theories of that life) and the great merits of the modern age. In short, we may say that, in order to preserve the great achievements of the modern age, Hegel is forced to reconsider some of the features of the classical one and to argue that those features are necessary for any modern political theory which seeks to describe the nature of actual, rational freedom.

The first feature concerns the relation between virtue and politics. In modern terms this is the distinction between morals and politics. In the classical age this was usually treated as a distinction between the good man and the good citizen; philosophy asked whether such a distinction could legitimately be made and, if so, what was the relation between the two concepts. We can distinguish three main approaches to this problem. First, the conventionalist view

which maintained that the good citizen was a good man. "Good man" here is a relativistic concept the content of which is determined by the conventions of particular regimes. Any man who serves the interests of his polis is a good citizen and, hence, a good man. "Good man" is thus no more than a kind of warrant which is invoked to lend greater respectability to good citizens, even though a citizen of a deficient or perverse regime is "good" only to the extent that he serves that "bad" regime.

In contrast to this is the moral absolutism of Socrates and his followers. The ultimate unity of virtue for which Socrates argued cannot accommodate a radical break between the good man and the good citizen. At the same time, his search for what is right by nature cannot grant the priority of conventionalism in determining the context of the "goodness" of the good man. The Socratic answer is that the virtues of the good citizen and the good man are ultimately identified with each other, with one major reservation; the good man will not serve unquestioningly the dictates of a bad regime. The implication of this is that the notion of a good citizen falls away. It becomes only a special case of being a good man, viz. being a good man in a good regime. There are no virtues of citizenship as such, for being a good citizen of a tyranny conflicts with the "goodness" of a man who is good "by nature".³

Aristotle seeks, as usual, to establish a position intermediate between the two extremes. He grants that there is a virtue to be attributed to good citizenship as such, even if a man is a good citizen of a bad regime. Good citizenship consists in contributing to the maintenance of the existing constitution. Hence there are as

many types of good citizenship as there are types of regime. The virtue of citizenship is thus determined relative to the regime under consideration. But Aristotle also agreed with the Socratic doctrine that the goodness of a good man exists by nature. Therefore, the virtue of a good man is eternal and unchanging, and we can distinguish the virtues of a good citizen and a good man thereby preserving the merits of both the conventionalist and Socratic doctrines of virtue. But there is one case for Aristotle where the virtues of the good citizen and the good man are identical, and that is in the case where the good man is a good citizen of the best regime. Phronesis, or practical wisdom, which is an architectonic virtue of the good man can, in this case, also be attributed to the good citizen of the best regime for, in the best regime, the good citizen employs practical wisdom in order to rule wisely and justly according to nature.⁴

Hegel never really faces this problem directly and so it is difficult to specify his answer to it. We can begin by stating, with certainty, that he rejects the conventionalist approach, for this entails a relativism which denies the emergence of increasingly complete and rational forms of social and political communities. But from this, we cannot simply state that he follows either Socrates or Aristotle. In the Philosophy of Right his description of Ethical Life appears to conform to Aristotle's description of the best regime, i.e. in the rational state the good citizen is identical to the good (free) man. But Hegel takes this much further than Aristotle (or Plato). Both Aristotle and Plato were concerned to describe the goodness of a good man in abstraction from specific political constitu-

tions and then to relate their conclusions to political life and citizenship. Hegel will not allow such an abstract analysis to take place.

"The right of individuals to be subjectively destined to freedom is fulfilled when they belong to an actual ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality." (PR. No. 153).

Now, Hegel here is not trying to establish the general Aristotelian principle that man is a "political animal" and only a beast or a God can live outside the Polis.⁵ He is introducing in this section a detailed description of the constitution of the best (most rational) state. Further, he is arguing that it is only as a citizen of that state that man can actualize his implicit rationality and be free. If he were only defending the general principle that man is a "political animal" then, on this basis, he would not have to distinguish between the freedom and rationality of the ancient polis and that of a modern constitutional monarchy, and this is a distinction he repeatedly makes.

How can we understand Hegel's strange statement quoted above, especially as it appears to deny the validity of a distinction which has been so important for Western political thought? The answer to this is implicit in our discussion of Hegel's theory of Spirit in the last chapter. There we saw that Hegel argues for the essential historicity of self-consciousness. Aristotle's distinction between the good man and the good citizen must deny this historicity, for it depends on the possibility of full self-consciousness independent of the particular social and political circumstances in which

the good man finds himself. It is for this reason that Hegel characterizes such an Aristotelian doctrine of virtues as a "natural history of mind". (PR. No. 150, Remark). It is a "natural" history in contrast to social and political history. But it is the latter "history" which is decisive for Hegel's concept of Spirit. The history of Spirit's emergence is forged in the actual social and political history of man. But Spirit's emergence is also the history of the development of human self-consciousness. Therefore, to detach self-consciousness from history and to treat it as, in some sense, a natural phenomenon is to obscure its essential historicity. It is for this reason that Hegel denies the possibility of rational freedom independent of the rational, free social and political world and does not concern himself with a description of the "good man" (in contrast to the "good citizen" except as a historical phenomenon.

This is not to deny that, historically, there have been individuals who have managed to rise above the limits of their age. We have already discussed this possibility with reference to world-historical individuals. There are many historical examples of, for example, martyrs who refused to participate in events which they considered immoral. But this must not obscure the fact that a free, rational life can only be lived in a free, rational ethical order. The "personal genius" of such individuals decreases in significance to the extent that free rationality becomes objective in the social and political life of a free people. (PR. No. 150, Remark). Were this not the case then we would be presented with the paradox that a good man requires an unjust, corrupt world in which to demonstrate his virtue and freedom, and that such a man, desiring to be virtuous, must hope for injustice and vice as the "other" which he surmounts

through an act of moral courage. Indeed, this paradox is clearly in Hegel's mind when he distinguishes the "moral" attitude to virtue from his own theory of the ethical community. We can read the following quote as a polemic against the "moralism" of German Romanticism.

"In an ethical community, it is easy to say what a man must do, what are the duties he has to fulfil in order to be virtuous: he has simply to follow the well-known and explicit rules of his own situation. Rectitude is the general character which may be demanded of him by law or custom. But from the standpoint of morality, rectitude often seems to be something comparatively inferior, something beyond which still higher demands must be made on oneself and others, because the craving to be something special is not satisfied with what is absolute and universal; it finds consciousness of peculiarity only in what is exceptional."
(PR. No. 150, Remark).

In the next chapter I shall discuss some of the implications of Hegel's dismissal of the problems which rest on the traditional distinction between the good man and the good citizen. Despite that dismissal, Hegel's treatment of Ethical Life shares some remarkable features with classical Greek theories of political life, particularly as developed in Aristotle's discussion of the nature of political life. I believe that an understanding of those shared features illuminates Hegel's discussion of Ethical Life.

The first point is a linguistic one. Hegel employs the term "das Sittliche" to denote that phase of objective existence which we translate as "ethical life".⁶ The term "das Sittliche" is clearly connected to the word "Sitte" which we translate as "custom". Hegel intends the use of Sitte and das Sittliche to produce the connection to reproduce the connection found in classical Greek between "ethos" and "ethikos". There do not exist words in English which convey clearly the connection between the customs of a people and what we

refer to as ethics.⁷

We can, however, attempt to capture Hegel's meaning. By "ethics" or "the ethical" we mean that set of principles or body of doctrine which systematically sets out what a man ought to do if he is to be a good man or live a free, rational life. We have already seen how, particularly in the work of Kant, goodness, freedom and rationality come to signify different aspects of the same ethical totality for the modern age. Perhaps more than any other philosopher Hegel strengthens the connection between those concepts, to the point where they eventually become virtually interchangeable terms to describe the same state of completeness or "perfection".

We have discussed Hegel's rejection of Kant's ethical theory. We have seen how Hegel's concept of Spirit is intended as the concrete resolution of the problems which Kant's theory identified but could not resolve, viz. the inescapable dichotomy between "what ought to be" and "what is" the case, or between an abstract pure practical reason and the real, imperfect human world. Spirit's emergence is nothing other than the historical synthesis of "ought" and "is", the development in the real world of the modes of objective existence necessary for the actualization of man's implicit freedom and reason. The emergence of Spirit is completed on the social and political plane in the life of a free people, understood as the citizenery of a rational state.⁸ This is the arena - the real, historical arena of Spirit's emergence - in which the importance of custom becomes crucial. The citizens of states live their lives in an orderly way, a way which is structured at its most profound level by a system of accepted norms of behaviour and customary ways

of acting. Investigations of significant historical changes, of important cultural, social and political changes, attempt to discover the changes in those deep structures. Indeed, historical events may often be regarded as being precipitated by crises within those value systems.

Hegel's point is that we must look to the prevailing norms of behaviour, to the customs of a people, if we are to make sense of historical events. This applies equally to the larger question of spiritual development, for the progress of Spirit is reflected in the changes in normative structures in history. The ultimate significance of those changes is apparent only from the perspective of the end of this development. But this should not obscure the necessity of those structures for actual historical "peoples". Within each historical epoch the normative systems which structure activity inform acts with their coherency and intelligibility not merely for us (the philosopher) but for the historical actors themselves. However, the actors need not be fully conscious of the power and significance of those norms and customs; indeed, they may not even be fully aware of the explicit existence of those structures. Nonetheless, those norms are effective. A person may perform some duty for no more developed reason than that it is what is expected, or it has always been done in that way. Hegel describes this as a "general mode of conduct" which is so deeply ingrained in the consciousness of a people that the "habitual practice of ethical living appears as a second nature". (PR. No. 151). In the rational state the duties and rights necessary for the living of a free, rational life are deeply embedded in the consciousness of the citizens of that state and may be regarded as "second nature" to them.

This, of course, is reminiscent of Aristotle's political theory. Aristotle distinguishes between the various regimes on the basis of their different ends. Those ends in turn permeate the entire life of the Polis and are seen to structure the very ethos of the citizens of the Polis. For both Aristotle and Hegel the role of education is vital. Education here must not be understood as the acquisition of a basic set of skills or body of knowledge which are necessary for the performance of certain limited tasks. Education includes the entire process of character formation, of acquisition of the basic norms which structure human activity within a determinate social and political order. In modern English we would describe this as the entire process of "socialization", as well as "education" in its more narrow, conventional sense.

The similarity between Hegel and Aristotle with respect to the role of custom and ethics on one hand and cultural development on the other is made most explicit in their discussions of social and political institutions. Hegel distinguishes three main areas within Ethical Life; the family, civil society, and the state. Each area is further broken down into its most significant component parts. The relation between those different elements is extremely complex, and yet the meaning of Hegel's treatment of Ethical Life depends on comprehending that complex relation. One common interpretation is to regard Ethical Life as a genetic history of the state, beginning with the most primitive social organization - the family. Hegel's procedure has even been linked directly to the attempt by Aristotle to seek "...the origin of the state in the simplest forms of human community, and then...(to trace)...the gradual development of the political community out of these elementary forms."⁹ I believe this

interpretation is, at best, misleading and creates more problems than it solves. In the above quote I think a misleading view of Aristotle is also presented, and I hope that a more correct view of Aristotle will shed light on Hegel's procedure in "Ethical Life".

Aristotle begins the Politics with the following passage:

"Every state (Polis) is an association (Koinonia) of some kind, and every association is established with a view to some good; for mankind always acts in order to obtain that which they think good. But, if all associations aim at some good, the state or political association, which is the highest of all, and which embraces all the rest, aims at good in a higher degree than any other, and at the highest good."¹⁰

A complete analysis of this passage is beyond the scope of this thesis. I would, however, like to point out a few basic ideas in this quote. Harry Jaffa has written that the passage consists of the following syllogism: Every Polis is an association (Koinonia); every association aims at some good; therefore every Polis aims at some good. Further, the minor premise is itself the conclusion of a prior syllogism: Every association is constituted by common action; every action (including common action) aims at some good; therefore every association aims at some good.¹¹

Aristotle then proceeds to provide an account of the origins of the state. Man and woman unite to form the most primitive association. From this union the family emerges. When various families organize themselves together the village results, and the first state arises with the organization of several villages into a common association. The motive for the development is material well-being, including security. But this "historical" account is only part of the story. Aristotle's concept of teleology leads him to argue that, from the perspective of truth, the state is prior to the village, the family, and even the

individual. This is so because the truth of a thing (its nature) can only be revealed if we look to the thing in its highest developments, and it is only in the Polis that man actualizes his true potential. Although historically the state arises as a result of the struggle for survival, its truth is that in it alone man is capable of actualizing his highest good.¹² Although the Polis is the most architectonic human association, it does not eliminate the need for lesser forms of association. As stated in the opening passage of the Politics, all associations aim at some good. The "goods" may range from the most basic material necessities to highly developed forms of religious observance, cultural activity and so forth. In the Nicomachean Ethics Aristotle argues that some goods may be both ends in themselves and means to a higher end.¹³ For example, food necessary for nourishment is an end in itself, since without food we would perish. But nourishment is also a means to higher goods, since we must maintain a basic level of subsistence if we are to pursue other, and higher, goods. Aristotle's treatment of associations in general is characterized by an investigation of the ends appropriate to each specific form of association. A family, for example, has a different end by nature than does a commercial partnership.

Now, what makes Aristotle's treatment of associations so remarkable is his concern to preserve the diversity of associations within a single totality - the Polis. The diversity of ends - such as material satisfaction, security, religious observance, recreation, education - require diverse associations for their realization. Associations such as the family, religious groups, business partnerships and so on are necessary and can and must be distinguished from the architectonic association of the Polis.¹⁴ Aristotle's polemic against

Plato's theory of communism in the Republic is based on his contention that Plato sacrifices all the advantages to be gained by a plurality of associations in favour of maintaining the absolute supremacy of one single principle. The result is an undifferentiated conformity among the citizens, a conformity which denies the possibility of noble human achievement.¹⁵ Aristotle consistently maintained that the Polis is the most architectonic form of human association which comprehends within it a hierarchy of distinct forms of association. Of course, deformed regimes could attempt to destroy this pluralistic polity, but in doing so they would be acting against the true natural ends of human life. The best regimes seek to preserve the diversity of human associations.

It is within the context of Aristotelian pluralism that we should understand Hegel's discussion of Ethical Life. The family, civil society and the state each have an integrity which cannot be sacrificed to one supreme principle. On the contrary, it is only through the self-conscious recognition of the diversity of ends that we can actualize human freedom. Aristotle links the different Koinonia through the principle of justice. The relationships which obtain in a family can be described, by analogy with the Polis, in terms of justice. Similarly, friendships and social organizations exhibit justice and injustice. True justice is really only found in the Polis, but the other forms of Koinonia exhibit features which allow us to treat them as just or unjust within certain well-defined limits. Hegel links his "moments" of Ethical Life in terms of freedom and rationality. The family and civil society are incomplete because they are unable to generate out of themselves a satisfactory (i.e. complete and non-contradictory) Idea of freedom. And yet they are absolutely essential to the eventual emergence of that Idea, for the rational state cannot exist without the family and

civil society as its proximate matter.

This diversity must inform the discussion of Ethical Life. We must read it as Hegel's attempt to develop a theory of the modern state which can resolve the problems which he has generated so far in the Philosophy of Right. Ethical Life must complete the development of the objective mode of being necessary for the actualization of freedom. It must overcome the dichotomies of subject and object, particular and universal. It must retain the spiritual advances of the modern age, especially those of universal rights and moral subjectivity. The examination of Ethical Life which follows will employ those problems as guides to our understanding. The emphasis will be on the complex way in which the seemingly disparate strands of Hegel's argument are woven together into a unified whole without sacrificing their unique importance for the Idea of freedom. Criticism of Ethical Life will be reserved for the next chapter. I prefer to do this for two reasons: first, criticism of specific points within Ethical Life may obscure the complexity of Hegel's structure and I believe a straightforward uncritical account of that structure is the best way of presenting Hegel's theory; second, the specific criticisms of that structure will be seen to develop into a structural critique of Hegel's political theory, and I believe the separation of this critique from the presentation of Hegel's theory will emphasize its structural unity.

The Family

The first major division of Ethical Life is the family. We have seen how the critique of abstract individualism necessitates a new starting point for political theory, one which begins with the concept of community. As with everything else subjected to analysis by Hegel, the movement is from the most immediate (abstract) to most complex

(concrete). The family is regarded by Hegel as the most immediate form of community, or collective life, and so it is with the family that the analysis of Ethical Life begins. The concept of family which Hegel examines is thoroughly modern and bourgeois. This is not to say that the concept of family is limited to bourgeois society; rather that the specific form of family which Hegel examines only becomes pre-eminent in bourgeois society. In Hegel's own terms this is not a condemnation for the concept of the family emerges historically and the bourgeois family can be regarded as the rational fulfilment of that development. That is, the bourgeois family is the Idea of the family.

There are several reasons why the family is presented as the most immediate form of Ethical community. First, the family does indeed exhibit the features of a community. The members of a family think of themselves as members of a larger association and whatever individuality they may have is thoroughly mediated by the fact of that membership. One's self-consciousness is mediated by the relation of the self to other members of the family, so that being a son or a daughter, a brother, a sister, a mother or a father informs one's self-consciousness. Even the ostentatious rejection of such ties does not eliminate their informing power, but rather only recasts it in the form of negativity.

The immediacy of this form of community, at least with respect to civil society and the state, results from several features unique to the family. The first is that the family is "specifically characterized by love, which is Spirit's feeling of its own unity". (PR. No. 158). While love is not irrational, it nevertheless involves emotion and natural feeling. Contingent considerations such as physical appearance, the sound of one's voice, the way one laughs or cries may all be of great importance in matters of love. For Hegel

the fully rational is necessary and purged of contingency. The love which characterizes a family is never fully rational in this sense. We may note that, for Hegel, the patriotic love for one's country is distinguished from family love.

Secondly, the rights of family members are deficient when compared to the rights of members in civil society and the state. To be sure, the laws which govern the last two extend into the family unit as well. In fact, specific laws may apply only to the family. But within the family the rights of family members can never be fully explicit nor guaranteed by positive law. It may be rational to demand that parents love their children and love them equally, but we cannot codify this demand even though we may regard loving care as the proper right of every child. Indeed, the child itself is incapable, because of its immaturity, of being regarded as a true subject of rights. Whatever rights the child has are given him either by the legal system or by its family. The child is unable to know itself as the rational subject of rights. Because so much of family life lies beyond the reach of positive law, the question of right must always be somewhat contingent. As the child develops into adulthood, it then may acquire more substantive rights, such as the right to education or a share of the family wealth. But, paradoxically, the more that right can be attributed to family members the less the area covered by right belongs to the concept of a family. Inheritance, for example, is concerned with wealth and, although this is an important family matter, it is some distance from the notion of love which characterizes the concept of a family. The contingency which marks both the substantive basis of the family (love) and the rights of its members leads us to regard it as the most immediate moment of Ethical Life.

Hegel distinguishes three phases of the family; marriage, family property and capital, and the education of children and the dissolution of the family. We have seen that the family is the most immediate moment of Ethical Life. Within the family itself I believe that Hegel looks for the same development from immediacy to mediated complexity. Rather than present all the details of Hegel's analysis I will concentrate on those features of the phases of family life which exhibit this structural development.

Marriage is the first phase of the family, and Hegel's discussion of marriage reflects throughout the modern belief that love must be the substantive basis for marriage. To be sure, there is a physical basis for marriage, viz. the propagation of the species. While important, this purely physical side of marriage is not sufficient to qualify as the ethical foundation. Although Hegel does not mention it (perhaps it would be too shocking for his public!) breeding farms could perhaps fulfill this physical necessity more efficiently than family units. Similarly, marriages based solely on considerations of wealth or "breeding" are deficient, for there are other and (perhaps) better ways of achieving those ends. Love, therefore, is the only possible ethical basis for marriage which is appropriate to the marriage bond as such. This must be qualified somewhat since, as we have already noted, there may be any number of contingent factors which can affect the love between two people. But the subjective factor cannot obscure what is objective and rational in a marriage based on love. Hegel describes this objective and rational moment as follows:

"Love means in general terms the consciousness of my unity with another, so that I am not in selfish isolation but win my self-consciousness only as the renunciation of my independence

and through knowing myself as the unity of myself with another and of the other with me... The first moment in love is that I do not wish to be a self-subsistent and independent person and that, if I were, then I would feel defective and incomplete. The second moment is that I find myself in another person, that I count for something in the other, while the other in turn comes to count for something in me." (PR. No. 158, Addition).

This notion of love constitutes the ethical basis of marriage or, as Hegel says, "...the ethical aspect of marriage consists in the parties' consciousness of this unity as their substantive aim..." (PR. No. 163). All other aspects of marriage are subservient to that substantive ethical principle. Sexual passion, for example, while important does not constitute the absolute base of marriage. Similarly, contractual obligations entered into by the parties do not constitute the ethical aim of true marriage.¹⁶ Indeed, all of Hegel's comments on the various aspects of marriage must be seen as attempts to maintain the principle that love is the ethical basis of marriage.¹⁷

It is Hegel's insistence on the inviolability of this principle which provides the key to our understanding of the section. The objective moment of love is its embodiment of the commitment to the unity (as described in the long passage quoted above). This objective moment is universal. It overrides subjectivity and contingency for, regardless of the initial motives underlying the parties' commitment, if this commitment is not genuine then the marriage is not truly ethical. From the perspective of psychology or biology love may appear particularistic and contingent. But out of this emotional tangle Hegel elicits a universal principle which is subject to rational analysis and evaluation. Love is seen as the embodiment of the universal moment of family life for, if love in Hegel's sense is absent, then the family

cannot be regarded as truly ethical. Of course, families can exist and be recognized in the eyes of the law even if this principle is absent. But in Ethical Life Hegel is concerned only with what is rational in the social and political world and so he can restrict his analysis to the description of the rational and ignore all the possible deviations from rationality. In the family the universal moment of rationality, that moment which must be present if the family is to be rational (i.e. ethical), is embodied in the love of the parties to the marriage.

The particular moment of the ethical family is embodied in the capital wealth of the family. Capital here refers to the family stock of secure and durable goods which, taken together, constitute the wealth of the family. At first reading, this appears to be a strange notion and Hegel is not very helpful in specifying his exact meaning in this section. There are, I believe, two distinct reasons for Hegel's position. First, the newly-wed couple must secure a measure of independence from their respective family groups if it is to take its place in the world as a thriving family unit. This independence is only possible if the couple is economically self-sufficient; otherwise they will never break the ties of dependence on the "extended family". Implicit in this, of course, is Hegel's rejection of the extended family as a true ethical unit. Although this reflects his modern bourgeois bias Hegel would presumably defend it on the grounds that the commitment between the parties to a marriage, their quest for unity, cannot be secured within the extended family. Second, and consequent upon the first, the goal of economic independence requires careful management of a family's common stock of wealth. The husband must secure gainful employment. The wife must run the household carefully in order to live

within the income provided by the husband. Money must be set aside for the care and education of children. Those needs are the particular needs of family life and, without it, the family would disappear. Love must be present if the family is to satisfy the demands of universal rationality, but careful financial management leading to economic independence and self-sufficiency is also necessary if the particular family is to survive intact. This particular existential necessity invests the concept of family capital with its ethical significance. In the actual social and political world love is insufficient for the survival of real families. Family capital ensures this survival.

This individuality of the family is actualized in the children.

Hegel writes:

"In substance marriage is a unity though only a unity of inwardness or disposition; in outward existence, however, the unity is sundered in the two parties. It is only in the children that the unity exists externally, objectively, and explicitly as a unity, because the parents love the children as their love, as the embodiment of their own substance." (PR. No. 173).

We should remember that, logically, the concept of individuality is the concrete unity of universality and particularity. In the above quote we can identify the presence of universality in the child. We could, of course, claim that very few couples actually regard their child in this way. Once again, it is Hegel's intention to analyse what is truly rational and ethical in family life. Also, the identification of the child as the living embodiment of the love of the parents underlies Hegel's contention, discussed earlier, that procreation as such is not the true basis of family life. A family becomes a real family only when a child is produced, but the rationality of this claim is only

defensible on the grounds that the child is the offspring of a loving marriage. Procreation as such does not require this important proviso.

Although Hegel does not address the problem directly I believe he would not condemn the childless marriage as unethical. Hegel is examining, in *Ethical Life*, the social and political institutions which constitute a rational objective order. For this reason the proper object of analysis in this section is the family. A childless couple may be devoted to each other and love each other in a way which Hegel would approve of. However, he would argue that such a marriage never properly becomes a family, at least a family which is a significant unit from the perspective of *Ethical Life*. Clearly children must be born and raised if the rational objective order is to persist beyond the life span of one generation. In his analysis of the family Hegel is concerned to describe the rationality of the family unit within which the raising of successive generations takes place. If *Ethical Life* is to remain ethical then the family must be seen as grounded on the substantive principle of love. If this is not the case then there will be successive generations to be sure, but they will not be ethical (rational). The childless couple, therefore, is insignificant from the perspective of *Ethical Life* even though it may be grounded on the highest principles of love.

On the side of particularity the children "have the right to maintenance and education at the expense of the family's common capital". (PR. No. 174). Once again, love is not enough. The child must be fed, clothed, housed and educated. This requires some measure of family capital. As noted before, the concept of family capital entails care and rational management, and the child is to be raised with an eye towards educating him into family responsibility, includ-

ing concern for the family's welfare - material as well as spiritual. Hegel's bourgeois prejudices are very marked here, for he doesn't even consider the possibility that a family may be too poor to provide properly for its children. However, here we are restricting ourselves to the concept of a family; in the section on civil society Hegel addresses himself directly to the problem of poverty.

The child, therefore, embodies the principle of individuality in the family and herein lies the essential limitedness of the family as ethical institution. The child is loved by the parents and, because of their love, they nourish him and raise him to adulthood. The effective proof of their love is the rational adult who can stand on his own feet and take his proper place within the wider social and political world. We might say that, from the perspective of this wider arena, the child only becomes a rational individual when he is capable of living independent of his family. In other words, the implicitly rational individuality of the child is only actualized when he ceases to be dependant on the family which raised him. But in the process of this actualization the individuality of the family, embodied in the dependant child, disappears. Of course, it is possible to argue that the child, even when it grows into adulthood, always embodies a family's individuality. But this would be wrong, for the adult now has responsibilities, which conflict with the responsibilities which ordered his life as a young child. Indeed, the adult in turn marries and begins a new family and this imposes new responsibilities.

The family can, therefore, never be a completely self-sufficient ethical institution, i.e. an institution which satisfies all demands of Ethical Life. The aim of Ethical Life is rational freedom,

and this is only possible if a fully-developed concept of individuality can be actualized. The family cannot accomplish this because the individuality of the family conflicts with the concept of personal individuality which is the aim of the development of the child. The family is a stable and significant institution of Ethical Life. The principle of love which unites the partners has a rational, objective element. The accumulation of family capital encourages thrift and rational financial management and this contributes to social and political life. The child is loved and cared for within the family and receives his first education into the ethical customs which inform the ethical order. All of this is of great significance for the actualization of a rational, ethical order. But the family can never be an ethical institution which exists for itself alone, for this ignores its essential, ethical limitations.

One more point should be noted before we move on to an examination of Hegel's analysis of civil society. Right and morality, the primary objects of analysis in the opening sections of the Philosophy of Right, reappear in a more concrete form in Ethical Life. There is not a simple correspondence between any particular section of Ethical Life and those two concepts. Both right and morality develop together within the ethical totality and are seen to inform all spheres of this totality. Nevertheless, certain sections of Ethical Life can be regarded as emphasizing one line of development over another. That is, either right or morality may be seen as the pre-eminent concept in one or another section of Ethical Life. It is only in the state that the two concepts are finally brought together as fully explicit moments within a differentiated, complex totality.

In the family, it is clear that the concept of morality is of

greater importance than the concept of right. The family, as ethical institution, imposes obligations on its members. Those obligations must be fulfilled if the family is to remain stable. The obligations, although they may restrict action in one sense, are not seen as restrictions on the freedom of family members. Within the family a man is not simply a man, abstractly considered as an atomistic unit. A man is a husband, a father, a son and each of those relations is a concrete determination of his specific actuality, of his "being-in-the-world". The obligations imposed upon him by those concrete determinations must be fulfilled if he is to be a proper husband or father. In the section on Morality we saw that the dialectic of morality develops to the concept of the good whereby a man is good (i.e. free) to the extent that he does that which he ought to do if he is to be a rational, autonomous individual. The family, for Hegel, is a rational institution and the obligations generated by the family are rational obligations. The man who meets his family obligations, therefore, actualizes his implicit rationality. This extends, of course, to all the members of a family.

The love which unites a family is explicit for the members of the family. The obligations of family life may be met willingly for the sake of this love, i.e. for the good of the family as a whole. There need not be complex philosophical reflections on the nature of moral autonomy prior to the fulfillment of family obligations for those actions to be done freely. Relatively simple feelings of love may be motive enough. In fact, love as the motive for moral activity is characteristic of the family as an ethical institution. The more complex moral judgements suggested by Kant's theory of moral autonomy, while of interest to the philosophical spectator of family life, are

of almost no significance for the family members themselves.

It is here that the great virtues as well as defects of the family become most obvious. The family is an ethical institution grounded in the universal principle of love. The power of love is such that members of a family freely acknowledge and fulfil the obligations arising out of family life. This is clearly a case of individuals doing what they ought to do and is an example of moral activity. But love, implicitly rational, is always partly emotional. For Hegel, this is equivalent to saying that love is always, to some extent, contingent and subject to the vicissitudes of unpredictable passion. Complete rationality - and freedom - lies beyond the sphere of contingency. Therefore, the family can never be completely rational and the obligations created by family life and the motives for fulfilling them can never be completely rational. The family is the ethical institution in which the concept of morality, of what one ought to do, is of greater importance than the concept of right. Aside from the immediate satisfaction gained from fulfilling one's obligations, the family member is educated in the ethical practices vital for the survival of the fully rational ethical totality. He is educated into the knowledge that there is no necessary contradiction between the fulfillment of obligations imposed upon one by an institution (family, commercial, political etc.) of which one is a member and individual freedom.

Civil Society

Civil society is the next stage of Ethical Life examined by Hegel. The term "civil society" denotes that area of social and political life described more commonly as the economy, or economic sphere, of a nation. In Hegel's time the discipline of political economy was rapidly developing the analytical tools necessary for the

scientific study of economic affairs. Hegel adopted, with some very important differences, the views of economic organization advanced by the tradition of liberal political economy which originated in the works of the Scottish political economists, most notably Adam Smith and James Steuart.¹⁸ More specifically, he accepted the view that the active pursuit of selfish ends by individuals resulted in a general increase in the wealth of nations.

The liberal theory of economic development fitted neatly into Hegel's philosophical system. The rational economic unit is the particular individual actively pursuing his own selfish ends. Particular economic actors are most rational when they look only to their own advantage with no thoughts about the economic circumstances of their fellow men. But this activity is not nearly as chaotic as it appears. The great achievement of political economy had been to discover the general features of economic activity, and to systematize those features into a set of laws of economic activity. Thus Adam Smith's concept of the "invisible hand" was discovered as a result of a brilliant analysis of the apparent chaos of economic activity, and was raised to the level of a general law of political economy. The tradition of modern political economy was preoccupied with discovering such general laws of economics. Debates between rival economic interests and doctrines revolved around appeals to the theoretical constructs of the new science for support. The "cornlaw" debate in England is one of the most famous and important debates of this kind.

Modern political economy was undoubtedly a major intellectual achievement. For Hegel, it provided insight into the efficient organization of economic life, so important for a stable social and

political order. But also, as noted above, it complemented his philosophical system. Modern political economy had, in a sense, developed a two-sided analysis. On the one hand it examined the particular micro-economic activities of individual workers and capitalists. On the other it described the macro-economic laws which knitted together the welter of activity into a coherent whole. In other words - i.e. in Hegel's words - it looked to both the particular and universal aspects of economic activity. It also established a connection between the two sides, for the universal interests of society at large were best served by unfettered private entrepreneurial activity. On the other hand, particular economic actors gained most when the macro-economic order was permitted to function smoothly and without manipulation.

Modern political economy, therefore, could be seen as scientifically describing particular and universal categories of economic activity and discovering a link between the two. We have already examined Hegel's logical concept of individuality as the concrete unity of universal and particular. We have also seen how the "logic of the Understanding" distinguishes between universal and particular, identifies each moment abstractly, and yet is incapable of developing this insight up to the level of complex unity, i.e. individuality. Universal and particular are only linked together, in a manner which Hegel calls "external". In the example of political economy entrepreneurs look to the universal only as the guarantor of personal interest. Personal particular ends are always primary, while universal ends are recognized as legitimate only to the extent that they serve the particular.

This brings out the contrast between the family and civil society. In the former, the universal institution of the family was substantive and the particular being of the family members, qua members, was derivative. In civil society particularity in the guise of personal interest is substantive and the universal is derivative, a generalization of what is important in particular activity. The primacy of the particular activity of the rational economic unit is the key to understanding why civil society is introduced after the family in the Philosophy of Right. The rational economic unit must be capable of acting responsibly and with foresight. This ability is, properly, predicated of adults alone. Children are not expected to be capable of so acting and, indeed, it is a major aim of child-rearing to ensure that the child does develop to this level of rationality. This "educational" responsibility rests primarily with the family. The product of this education, the rational adult capable of leading a responsible life, is the basic unit of civil society, and so the family is seen as prior to civil society.

There is one other important distinction between the family and civil society. With reference to the two opening sections of the book on right and morality we saw that the family was overwhelmingly a moral institution, i.e. obligation was of greater importance than right. There were several reasons why right was relatively unimportant. The first is that modern notions of right demand equality of right, i.e. rights must accrue to man qua man and not depend on contingent factors such as status. In the family, there can be no such equality for status within the family is of extreme importance and it would be wrong to regard the father and his child as having equal rights

with respect to each other. Second, the concept of right requires that rights must be capable of being protected and, in the family, much of what transpires is beyond the reach of the law or of enforcement agencies. This is not to say that family members have no rights in the eyes of the law but only that major areas of family life are not subject to such scrutiny.

The reverse is true of civil society. The rational economic actors are regarded as possessing equal rights. There is also a legal system to back up those rights and to hear appeals for redress when a citizen believes his rights have been infringed. Because civil society is concerned with economic activity, the rights of civil society refer primarily to economic matters, to questions of life and property. This is not surprising, since it is really only possible to establish a system of rights and positive laws when the actions covered by that system are specific and have determinate, objective content. It is a relatively easy matter to discover whether a man's right to property has been infringed, in contrast to determining whether a father really loves his son. Civil society, therefore emphasizes the concept of right.

But it would be a mistake to regard civil society as a simple restatement of the theories examined in Abstract Right. In civil society we have present the very institutions of the social world - most importantly an extant legal system - which were lacking in Abstract Right, thereby condemning Abstract Right to self-contradiction. In Abstract Right we traced the dialectic of a theoretically constituted experience based solely on the actions of individuals qua particular persons. In civil society we are concerned with the development from the particular interest of "economic man" to the consciousness by the "citizen" of universal interest. This development Hegel calls "education", for it consists in educating particular economic actors

to an appreciation and respect for the universal interests of the whole of civil society. The institutions of civil society serve as a check on the excessive pursuit of selfish ends, occasionally bringing to bear the full weight of the law and its sanctions. But those institutions should not have merely this negative restraining effect. They should also educate the particular individual and demonstrate to him that the universal interests of civil society are not of minor or secondary importance but rather are real and substantive. In the family, fulfillment of obligations ultimately led to the development of the capacity to have rights. In civil society, concern for rights leads ultimately to the recognition that the universal interests of society also have rights which obligate the citizens of that society; that is, personal rights, if they are to be effective, must be seen to entail certain moral notions such as obligation.

The first major division of Civil Society is titled "The System of Needs". The section treats of the economic organization of Ethical Life. There is nothing in this section which adds to the stock of economic knowledge current in Hegel's time. Hegel adopts the position of liberal political economy which regards the wealth of nations as increasing in proportion to the freedom allowed to the individual entrepreneur to maximize his own advantage. What is of some interest is Hegel's attempt to organize this accepted doctrine according to his own logical principles. Civil society is the sphere of Ethical Life in which material welfare is paramount. But material welfare, by itself, is at the very least antipathetic to the demands of Ethical Life as envisaged by Hegel. Modern political economy heightens the opposition by insisting that the material welfare of all is best secured by the pursuit of selfish ends by each member of

society. Hegel hoped to alter this conclusion while still preserving the basic notions of economic organization advanced by the political economists. The agent of reform would be the process of education (Bildung) which would lead individuals out of their isolated particularity and inculcate in them the ethical norms necessary for the rational organization of public life. Hegel's invocation of the categories of his logic must be understood against the background of this educational imperative.

"The System of Needs" is divided into three parts. The first part examines the concept of need, which is appropriate since any examination of economic organization presupposes that there are needs which demand satisfaction. At first, need appears to be extremely particularistic, for we think of needs in terms of the felt needs of a particular individual in abstraction from those of other particular individuals. But the concept of need reveals a universal element as well, and Hegel examines this universal element. "Natural" needs such as food, shelter and clothing apply in general to all men. But also, as human ability develops, the capacity to generate new needs develops; that is, what may once have appeared to be a luxury now appears as a necessity. Examination of this developing complex of needs reveals its social nature, for individuals are socially conditioned to demand new material goods. We cannot reduce the developing complex of needs down to the notion of "natural" necessity without lapsing into nonsense. The social dimension to need is identified by Hegel as abstract universality. Further the complex of needs is accompanied by a complex of productive means necessary for their satisfaction. The demand for the satisfaction of needs requires increasingly complex productive processes and this entails the social organization of labour. The

social organization of labour cannot be reduced to the demand for satisfaction of strictly particular needs, for the social organization of labour has as its object the satisfaction of need in general. That is, the degree of organization necessary to build a house for "X" to live in cannot be seen as a complex organization which came into being and exists only for the sake of "X" in abstraction from society at large. It comes into being in order to build houses in general and "X" is able to take advantage of this and can engage the socially-generated services to satisfy his particular housing needs. But his particular housing needs can only be satisfied by the house-building organization because the universal (i.e. social) need for houses of a certain quality has been made explicit and been recognized. Thus, from the notion of particular need, we pass over into the notion of general needs typical of civil society.

This treatment of need immediately suggests the second part of the "System of Needs", devoted to a description of the kind of work typical of civil society. To satisfy a particular material need we must engage in a particular type of work appropriate to the satisfaction of that need. But as needs develop, so the kinds of work required develop accordingly. Individuals no longer satisfy their needs directly through their own labour, but rather rely on the social organization of labour for this satisfaction; that is, we do not build a house with our own labour but rather hire a construction firm. A system of determining the value of labour in the abstract is necessary if the social organization of labour is to survive. The division of labour is the result. A man receives so much for performing a specific task and then turns around and purchases the products of the labour of others with a universal unit of exchange (money). The notion of

labour itself has become abstract and universal.

The relation between the universal and the particular elements of both need and work is highly abstract, a reality more for the political economist than for the member of a social order. Hegel's treatment of the concept of class division is intended to make the relation more concrete, to indicate how the relation becomes evident to the man in civil society and not merely for the theorist of civil society. This intention explains Hegel's rather curious treatment of class and its departure from classical economic theory.

Classical political economy sees class divisions arising out of the distinction between the three great factors of production - land, labour, and capital. Thus, we have a landowning class, an industrial working class, and a capitalist class. Hegel, however, treats class divisions in terms of sectors of the economy. Accordingly, he posits an agricultural class and an industrial or business class. Within each sector there are no further divisions. While this is not entirely novel with respect to agriculture, since class divisions therein are often blurred, it is quite remarkable to ignore completely the distinction between workers and capitalists in the industrial sector. In our own time this latter division is often obscured by talk of a managerial class, of shareholders who are also workers, of a technocratic class and so forth; in Hegel's time, however, the division was quite clear. Indeed, even bourgeois economists who strongly defended capitalism did not deny the division and even defended it as a cornerstone of economic development. Finally, Hegel introduces a third class - the class of civil servants - and this is a class division which is absent from traditional economic theory.

How are we to understand Hegel's description of the class

structure of modern society? The clue is given by the terms he uses to introduce his three classes. I have referred to an agricultural, a business and a civil service class, but Hegel does not use these terms in his introduction of the concept of class. Instead he refers to them, respectively, as the substantial or immediate class (agricultural), the formal or reflecting class (business), and the universal class (civil service). The connections between the logical terms and the mode of activity appropriate to each class should be clear. The agricultural class is tied to the rhythm of nature and to the traditional ways of life which stretch back countless generations. Like the member of a family, the member of the agricultural class is born into a stable substantial order, the norms of which are sanctified more by tradition than reason. The business class is the class most in keeping with the new demands created by bourgeois society. The emphasis here is on quick-acting intelligence and energy. Competition ensures that the slow-witted fall behind and lose out in the rush for material prosperity. The member of the business class must harness his own energy and abilities to those of other men in order to survive. Prosperity demands intelligence and reflection on the needs, demands and productive capacity of society at large. The universal class has for its object the welfare of the entire society. This welfare is its avowed aim, unlike the business class which creates wealth for all through pursuit of particular ends. The civil servant, supported materially either by personal wealth or by the public purse, finds his personal satisfaction in the successful pursuit of those goals which advance the rational aims of the society understood as a living totality.

Hegel does not explain why he attempts to transform traditional economic class divisions into logical concepts, but I think it is

possible to advance several reasons for this. First, modern political economy has an overwhelmingly utilitarian bias. Class divisions are justifiable, despite the obvious drawbacks, because they best serve the declared aim of economic development, an aim which ultimately benefits everyone. As we have seen, Hegel's concept of reason and freedom is opposed to such utilitarian views.¹⁹ By invoking the logical concepts, Hegel hoped to deflect the utilitarian emphasis of modern political economy and to demonstrate that economic divisions could have a wider significance than mere economic welfare. In Hegel's analysis, class divisions reflect different ways of life and modes of thought. Hegel no doubt believed that, from the perspective of philosophy, those differences were far more important than the strictly economic ones of economic theory. Not only did Hegel's analysis look to modes of thought and activity rather than to productive relations alone, but it also accorded the members of a class greater dignity than would be the case if they were regarded solely as units of production within a great macro-economic mechanistic model.

This last point becomes significant when we examine the state. Each of the classes of civil society assumes a political role in the state. Indeed, the German word for classes (die Stände) can also signify estates and, as Hegel points out, this is of philosophical importance (PR. No. 303, Remark). The economic classes of civil society become the political estates of the state. By emphasizing the logical importance of each class Hegel can then demonstrate that, at the level of the political organization of the state, each class can be regarded as an estate which is capable of fulfilling a vital political role. Those political roles, if they are fulfilled by economic classes strictly considered, are reduced to the economic

deliberations appropriate to civil society and not the state. Hegel's desire to specify class distinctions not only in economic terms but also in terms of logical modes of thought may be seen as an attempt to avoid that kind of reductionism. I shall examine his attempt to avoid reductionism in the next chapter of the thesis.

Finally, Hegel's analysis of class is clearly intended to minimize class conflict. Classical political economy recognized the competitive nature of bourgeois society and allowed it free reign. There was competition not only between capitalist and capitalist for market advantage but also between capitalist and worker for a share of the wealth produced. As the debate between Malthus and Ricardo on the issue of corn importation demonstrated, landowner and capitalist could also compete in earnest for economic advantage. Hegel saw all this as socially divisive even if it did serve the ultimate material interests of society. Against this competitive model, Hegel offered his own version of harmony. The civil service would selflessly serve the interests of society at large. The agricultural and industrial sectors would each recognize the importance of the other and seek, no doubt under the guidance of the civil service, to harmonize their respective interests. Within each class, the members of that class would regard themselves as involved in the economic goals of all the other members. Each member would regard his membership in a class as evidence of his particular abilities and would seize the opportunity to maximize those abilities within the accepted constraints imposed by the class to which he belonged. Each member of a class is, therefore, obligated by the demands of his class and owes his loyalty to the class as a whole for providing him with the opportunity to maximize his talents. I shall

comment on this at a later point but for now it is worth quoting Hegel on this identification of self interest with class interest.

"A man actualises himself only in becoming something definite i.e. something specifically particularised; this means restricting himself exclusively to one of the particular spheres of need. In this class-system, the ethical frame of mind therefore is rectitude and esprit de corps, i.e. the disposition to make oneself a member of one of the moments of civil society by one's own act, through one's energy, industry, and skill, to maintain oneself in this position, and to fend for oneself only through this process of mediating oneself with the universal while in this way gaining recognition both in one's own eyes and in the eyes of others." (PR. No. 207).

In the "system of needs" Hegel examines the universal and particular elements involved in the notion of complex economic interdependence. The object of economic activity is material prosperity. In bourgeois political economy private property occupies a central role in the pursuit of this objective. Hegel certainly would not argue against the legitimacy of private property. Indeed, as we have already seen in the examination of Abstract Right, Hegel assigns to private property an importance which goes beyond the strictly utilitarian considerations which are often introduced in its defense. His analysis of private property in terms of the objectification of the will in an external object which is "mine" (i.e. private) introduces an ontological dimension to private property. In the "system of needs" Hegel does not bring in this ontological dimension, presumably because it has already received attention in the earlier section. But he does reintroduce the concept of rights which become objective in private property. Whether from the utilitarian perspective of bourgeois political economy or the ontological perspective of Hegel's philosophy of practical will, the concept of private property is seen to

generate a complex of rights. In a social situation, rights require recognition by the members of that society if they are to be effective. Recognition of that sort entails a complex of duties and obligations corresponding to the complex of rights and ensuring their effectiveness. In Abstract Right this recognition was contingent and the punishment of "criminal" transgressions of right was equally contingent. We have examined this in some detail. But in civil society we are already within a social world which recognizes the legitimacy of public authority. We don't have to generate a legal and judicial system out of a non-social, anarchic situation. Hegel's task in the section on civil society is to examine the logic of the concept of a legal and judicial system and to identify those factors which must be present if that system is to satisfy the demands of reason. He titles this sub-section of civil society the "administration of justice".

The first moment in the "administration of justice" is titled "right as law". Hegel describes this topic in the following way:

"The principle of rightness becomes the law when, in its objective existence, it is posited i.e. when thinking makes it determinate for consciousness and makes it known as what is right and valid; and in acquiring this determinate character, the right becomes positive law in general." (PR. No. 211).

This appears straightforward enough and non-controversial. On closer inspection, however, it does reveal certain features which are potential sources of conflict in legal philosophy, particularly with that branch of legal philosophy loosely termed "positivist". I shall not run through all the possible arguments which may be raised against Hegel; rather I shall restrict myself to a brief description of the more

contentious aspects of his legal philosophy and indicate their divergence from several rival schools of thought.

First of all, law for Hegel is the positive systematization of rights. A legal system is only possible within an authoritative social and political order. At this point Hegel does not raise the issue of coercive force - reserving this for the third moment of the sub-section - but clearly the monopolization of coercive power by a recognized public authority is necessary if the legal system is to function properly. Now, Hegel's discussion of civil society is nothing other than an examination of the most important institutions which, taken together, constitute a rational social order. Hegel's introduction of the concept of a legal system at this point in his analysis of civil society is significant, preceded as it is by his analysis of the family and the basic constituent elements of economic organization. How does his ordering of the institutions of civil society relate to the statement that law is the positive systematization of right?

We have seen that the family has only a marginal relation to the concept of legal right. The "system of needs", on the other hand, as one of its most important presuppositions the relationship between right and private property discussed in Abstract Right. In contrast to Abstract Right, the right of private property in civil society

"...is no longer merely implicit but has attained its recognized actuality as the protection of property through the administration of justice."
(PR. No. 208).

But the right of private property is not contingent. It secures the ontologically necessary conditions for objectification of the human

will. Therefore, the law which guarantees that right has its basis in ontological necessity and is not merely useful to a flourishing economy. This applies equally to those rights of the family which can be guaranteed by positive law. The "administration of justice" occurs when it does in the Philosophy of Right because Hegel's concept of positive law presupposes the concept of human rights grounded in ontological necessity.

What are the implications of such a view? Hegel's concept of law clearly points to the conclusion that, in principle, systems of law can be examined against the standard of reason. "Good" laws would be those laws which embody the ontological principles of right, while "bad" laws would be those which ignore or contradict such principles. This view appears to reproduce the views of traditional natural law theory, but such a judgement would be premature. There is nothing in Hegel to suggest that such "rational" law is known through divine revelation or through reflection on the nature of the cosmic order. If we must relate Hegel's concept of law to a tradition of legal speculation, it would be more correct to see it as a version of natural right theory, as exemplified in the writings of Aristotle.²⁰ (Of course, Hegel's philosophy of history denies the classical notion of continuity between the natural and human world.) Hegel maintains that law, if it is to be considered fully rational, must be seen as a guarantor of ontologically-grounded human rights.

Hegel's concept of law contrasts sharply with the general concepts advanced by two major modern schools of legal philosophy. The positivist approach to law excludes all explicitly moral or ethical questions from the consideration of what a law is in fact.

Legal positivists look primarily to the mechanism whereby a law becomes recognized - and authoritative for a community. They argue that ethical considerations are irrelevant to this examination for the immorality of a specific law (even if such a thing could be clearly demonstrated) is not sufficient, by itself, to declare that law null and void. The positivist view is a response to those natural law theorists who would seek to declare some positive laws null and void because they contradict or violate natural law. The legal positivist, even though he may agree with the specific moral views advanced by natural law theorists, maintains that those views cannot be used as a standard for determining whether specific positive laws are to be considered as actual laws.²¹ The legal positivist can declare a positive law ultra vires, but not for moral reasons; he could, for example, declare that a specific positive law contradicts another positive law which is recognized as primary.

The other philosophical school of law I would like to mention is referred to explicitly by Hegel. This is the historical school of law, and it was a major force in Hegel's time. The historical school of law studied the historical evolution of laws and legal systems. This historical study as such does not conflict with the positivist concept of law, and is not sufficient, by itself, to constitute an independent school of law. Where it does depart from legal positivism, and from Hegel as well, is in its claim that historical pedigree by itself is a measure of the rightness of a law. Hegel's savage attack on Professor Hugo is an indication of his contempt for the simple-minded equation of tradition with rationality.²²

The relation between Hegel's concept of law and those two alternative concepts is not easy to determine with precision. Although Hegel's position differs from both, he also adopts some of their features. This can be indicated quite clearly with respect to the historical school, for Hegel refers to that school explicitly in his writings. We have already examined Hegel's concept of philosophical history. In the introduction to his Philosophy of World-History he describes the historical school of law as a variety of specialized history, which is itself a sub-section of reflective history. (RH. p. 23). Reflective history, although it does not look to history as the actualization of Spirit, is of great value. The historical school of law can even approach the "genuinely philosophical position" of a Montesquieu who recognized that "legislation both in general and in its particular provisions is to be treated not as something isolated and abstract but rather as a subordinate moment in a whole, interconnected with all the other features which make up the character of a nation and an epoch". (PR. No. 3, Remark). The historical study of law, therefore, greatly augments our understanding of human history. Indeed, it may be a necessary prerequisite to the philosophical grasp of history. But it cannot, by itself, discover the ultimate rationality or irrationality of positive law, for this is the "hard task of philosophy".

The relation to positivist legal philosophy is more difficult to ascertain, not least because Hegel does not address himself directly to the problems raised by that school of thought. This is not surprising since, as a definite school of legal philosophy, it developed after Hegel's death. We can, however, discern in Hegel's comments

several which are pertinent to the issues raised by legal positivism. Hegel would agree with the positivists that laws exist regardless of our moral judgements. The machinery which legislates and the laws which it produces are, in some sense, independent of moral discourse, at least with respect to their validity as legislators and positive laws. His conservative instincts were repelled by revolutionary calls to break the law. Despite this, he maintains that any legal system must be seen as enshrining certain basic rights. We can work backward from the positive legal code to those basic rights.

"The science of positive law has not only the right, but even the inescapable duty to study given laws, to deduce from its positive data their progress in history, their application and subdivisions, down to the last detail, and to exhibit their implications." (PR. No. 212, Remark).

In this way legal science can discover our basic legal rights which underpin the entire legal code.

Thus far, there is little to which the committed legal positivist could object. Hegel, however, does not curtail his demands of legal science at this point. He insists that we can also question whether a specific law is rational, even though this question "may seem perverse to those who are busied with these pursuits". (ibid). There are two ways of understanding this problem. First, it is possible to examine a specific positive law in order to determine if it contradicts a legal right which is accepted as primary. That is, does a specific positive law contradict its own basis of legality. Second, are the legal rights which positive legal science lays bare themselves rational? For example, is a law which abolishes private property rational? Hegel would argue no, for such a law denies the

right to private property, a right which is grounded in ontological necessity. Any right or law which denies the right to private property must be seen as an obstacle to the living of a free, rational life since, from the perspective of ontology, rational freedom requires private property. Hence such a law or right is, by Hegel's standards, irrational. Legal positivism could, I believe, accept the first "modest" test of rationality, since it is really nothing more than a demand for internal consistency within a legal code. But as we saw in Hegel's critique of Kant, internal consistency by itself is not necessarily good. I believe that Hegel's invocation of "rationality" is aimed at the second type of questioning, and it is clear that this approach to law is anathema to legal positivism.

Law must be seen, Hegel maintains, as the systematization of rights. The philosopher must demonstrate which rights satisfy the demands of reason. Reason, in Hegel's sense of the term, is the ultimate criterion of whether a law is "good" or "bad". A "bad" law is one that is irrational, even though this does not necessarily strip it of its status as a valid positive law. Despite the possible "discrepancy between the content of the law and the principle of rightness" (PR. No. 212), the philosopher must not abandon his search for the rational basis of positive law. "It is only because of this identity between its implicit and posited character that positive law has obligatory force in virtue of its rightness". (ibid). When there is a discrepancy between right and law other "forces" may obligate the citizen; by examining the ontological foundations of right the philosopher can point the way to a legal system in which obligation is fully rational because the laws secure rational rights.

The remaining two sub-sections of the "administration of justice" are relatively straightforward and unobjectionable, regardless of one's philosophical orientation. After the sub-section on "right as law" Hegel discusses "law determinately existent". In the former section Hegel is concerned to demonstrate that rational positive law, in its universality, presupposes the concept of rational right. But law, of course, cannot remain at the level of universality if it is to be effective. In "law determinately existent" Hegel discusses law in its particularity, i.e. the particular laws contained in the civil and criminal legal codes. Two points only need be noted here. The first is that Hegel emphasizes the necessity of publicizing the laws. He favours an explicit code of positive laws over a common law system requiring extensive professional knowledge of legal precedents. The more accessible the legal code the greater the respect for it and the greater the possibility that the citizens will observe its statutes. The second point is that legal systems must be open to change and adaptation when required. The dream of a complete and closed set of laws is vain since it ignores the continual changes and alterations in the conditions which a legal system is intended to cover. Additionally, legislators may simply be in error in framing a particular law and should be prepared to rescind or alter it if the rationality of the law is to be maintained. The principle of right informs the concept of law and, where discrepancies between right and positive law occur, law must be prepared to change. Hegel's attitude here is not unlike Aristotle's in his treatment of equity.²³ The spirit of the law (right) is more important than any particular positive law.

The third sub-section is titled - the "court of justice" and is concerned with the courts of law in which civil and criminal cases are tried. Hegel offers us the conventional wisdom that trials must be public and that laws must be explicit in their determination of proper court procedures such as the arraignment of the accused, the presentation of evidence and similar procedures. The most interesting point about law courts for our purposes comes out in the contrast between revenge and punishment. Revenge was discussed in Abstract Right, in the discussion of crime. As opposed to this subjectivity and abstractness which marred any attempt to redress crime in that section, we now have reached a level of development where punishment proper assumes its proper role. Right is now made objective as law. Particular laws receive their validity and power because they are particular expressions of the objective universality of right as law. The court of law is a "public authority" in which civil disputes and criminal acts may be tried and the decisions reached therein have a validity and objectivity which would otherwise be lacking. Because right is now objective, a particular wrong is not a wrong against the subjectively-held right of a particular person (Abstract Right); rather it is a wrong against the right which is now universal and objective as law. Punishment of a wrong restores the primacy of universal right in contrast to revenge which can never rise above subjective particularity. As Hegel writes, in civil society it is the "injured universal" which must be restored and not the "injured party" (PR. No. 220). In the court of law the universal and particular elements of law are brought together explicitly. Punishment of a particular crime (i.e. an infringement of a particular law)

is rational only by virtue of the universality of right as objectified in the positive legal code.

The primary objective of the type of social organization described in Civil Society is material welfare. This objective is the base upon which Hegel builds his analysis of civil society. It is not sufficient to regard material welfare as incidental or contingent to economic activity; it is the principle which informs this entire mode of human experience and invests it with the form of rationality.²⁴ But if this is the case then it is obvious that material welfare must be attainable - in some reasonable degree - by all the members of civil society. If material welfare is restricted to only a few then it cannot be maintained as a universal principle. This does not necessarily entail economic equality but rather only that no one suffer severe material deprivation in comparison with his fellow citizens.

We can look at this from a different angle. We recall that Hegel applauded the achievement of modern natural law theory because it demolished the idea that right could be based on status or some other contingent consideration. If the right to private property includes the right to material welfare then, if this right is to be rational, it must be a right for all. Further, if a right is incapable of actualization, then it is wholly abstract and meaningless. Therefore, the right to material welfare can only be rational and concrete if, in the actual life of a community, all members achieve a reasonable level of material well-being. If this is not the case then this right remains universal only at the level of theory and is shown by actual practice to be empty and abstract, a

fiction only. It does not require a great deal of imagination to see that this fiction may fulfill a useful ideological purpose, viz. to describe as universal that which is in fact partial and restricted.

Hegel attempts to confront this problem directly in the third sub-section of civil society titled "the police and the corporation". In the "system of needs" the ultimate identity of universal welfare and particular welfare is described. This, of course, is a central tenet of liberal economic theory. But this identity was only posited. A clear-sighted view of actual economic activity revealed to Hegel a great discrepancy between theory and practice. In practice Hegel saw about him great poverty and misery. Although he would never deny that talent ought to be rewarded, he was adamant that lack of ability, or good fortune, should not be so desperately punished. This offended not only his sensibilities but also his desire to base right on a firm foundation of universality and rationality. Actual economic life contradicted this latter demand. Nor was the right to material welfare for all secured by the administration of justice. The courts could only seek to redress wrongs committed against persons or property. In so doing, they only reaffirmed the existing principles of right. It was beyond their jurisdiction to ensure that every citizen enjoyed his rights in practice. The person who owned property and had his right to this property infringed could seek redress, but the propertyless person could not use the judicial system to redress his poverty. Here too the universal and particular moments of the right to material welfare diverged. If this divergence were to be overcome it would require different sorts of public institutions from the ones already

described. Hegel writes:

"But the right actually present in the particular requires, first, that accidental hindrances to one aim or another be removed, and undisturbed safety of person and property be attained; and secondly, that the securing of every single person's livelihood and welfare be treated and actualized as a right, i.e. that particular welfare as such be so treated." (PR. No. 230)

The police and the corporation were the two public institutions which Hegel judged to be capable of bridging the gap between universal and particular, of ensuring that everyone actualized his right to material welfare.

By "police" Hegel means a wide range of public authorities.²⁵ These authorities are concerned with the general regulation of the activity of civil society as well as the amelioration of the various social problems which may arise. There are many areas in which the public authorities are necessary if civil society is to function at all smoothly. First of all, there is the sphere of activity which we associate with the modern concept of a police force, viz. the prevention of crime and the pursuit and arrest of lawbreakers. Then there are areas such as health care, sewage disposal, factory inspection, trade regulation, commercial standards, and similar matters which are increasingly accepted in the modern state as properly under the jurisdiction of public authorities. Hegel also maintains that it is the responsibility of public authorities to provide "public educational facilities so far as is practicable" since "education bears upon the child's capacity to become a member of society". (PR. No.239). The public authorities clearly must perform those tasks which are essential to the well-being of society and yet can not be fulfilled

by private endeavour.

The public authorities also have welfare responsibilities. This is most true with respect to poverty, and Hegel's remarks on this subject are of interest. He begins by arguing that poverty may result from "contingencies, physical conditions and factors grounded in external circumstances". (PR. No. 241). This list may lead one to believe that poverty results from personal failings of one sort or another (e.g. low intelligence, lack of discipline) or external factors (e.g. crop failures, poor land, distance from necessary markets). But Hegel then proceeds to describe how the dialectic of economic development results in massive concentrations of wealth in a few hands accompanied by mass poverty. He does not set this out in any more than an impressionistic manner, yet we can easily see that, in the time in which he wrote, such impressions were so close to hand that one could regard poverty as the result of ineluctable tendencies without feeling the necessity to base this judgement on a full-blown economic theory.

Although Hegel may not have realized that he was outlining two rival theories of the cause of poverty, he is in no doubt about which course the public authorities should follow if poverty were to be eliminated. Private acts of charity aimed at helping particular individuals may be worthy and noble but

"(s)ubjective aid, however, both in itself and in its operation, is dependant on contingency and consequently society struggles to make it less necessary, by discovering the general causes of penury and general means of its relief, and by organizing relief accordingly." (PR. No. 242).

Hegel does not regard poverty as, essentially, the result of private

failing but rather points to its source in the economic organization of society. The personality "defects" of the poor are not the cause of poverty but its result.²⁶ At this point, concerning the "abolition" of poverty, Hegel's analysis collapses. He identifies two possible remedies and finds both wanting. The first, direct transfer payments from the rich to the poor, not only would be opposed by the former as contrary to the principles of civil society but would also result in the loss of dignity by the latter. The second, job creation for the poor, would result in a market glut since production would race ahead of consumption, the two only achieving a state of equilibrium when market forces could operate independent of public intervention. The only possible solution which Hegel advances is economic imperialism, a drive by bourgeois society to expand its markets in order to absorb surplus production. Hegel's analysis of poverty is strikingly weak.²⁷ In Hegel's defense we can point to the lack of analysis by the economists of his time of this problem. Were a more satisfactory analysis of poverty available it is a moot point whether Hegel would have accepted its conclusions, especially if they conflicted with the right to private property which he defends on ontological grounds. But it must be emphasized that Hegel was not content to simply stand back and witness the misery of poverty while defending the theory of economic laissez-faire as such. He was fully prepared to intervene in the market economy if such intervention could be shown to be effective.

The dominant class of civil society is the business class. Its mode of activity, the subject of bourgeois political economy, was the overwhelmingly important feature of emergent capitalist society. This Hegel clearly grasped, and it was not a fact which could be erased

through romantic philosophical yearnings. The task of philosophy was to confront it, understand it, and discover the principle or rationality which lay therein.

The great achievement of the business class was the expansion of economic activity and the creation of vast pools of wealth which had never before been thought possible. Its great defect was that the creation of wealth depended on ruthless competition, on aggressive behaviour which looked only to self-interest. The business class achieved its economic breakthrough at the expense of social harmony. Hegel's problem then, was to discover a way whereby the economic advances could be retained while the excessive self-interest which made them possible could be negated. The institutional solution to this problem is contained in his theory of the corporation.

Hegel's theory of the corporation is extremely suggestive. Historically, the legal theory of corporations - whether trade, religious, educational, political, military - has been extremely controversial. From Roman law, through late-Roman and Medieval legal theories, to modern Natural Law theories, the status of the corporation - its rights, duties and sovereignty - has been a subject of great legal debate. Investigation of this history lies outside the scope of this thesis.²⁸ Also, in the section on the state, Hegel details the important political role of the corporations. I shall reserve discussion of the political function of the corporation to my discussion of this theory of the state. For now, I wish to point out only the general features of the corporation as it affects the life of civil society.

The particularism of the business class is potentially

destructive of the social and political order. To ignore this is to be plunged back into the anarchy of Abstract Right. To oppose it too strongly is to destroy the energy and creativity which has generated modern wealth and comfort and which has made possible the comparatively wider distribution of material welfare throughout the population. The abstract identity of particular and universal, posited by liberal political economy, was too abstract to be effective. It was an identity for the economist and not for the productive, impoverished citizen. Hegel's response was to describe an institution which, arising out of self-interest, ultimately moderates self-interest to the point where social and political harmony could be established.

Hegel's theory requires each sector within the business class to form organizations to advance the interests of its members. Those organizations - the corporations - are to regulate the standards of their respective industries, promote the welfare of their members, provide members with security against misfortune, and educate young persons into the skills and responsibilities which full corporate membership demands. (PR. No. 252). Hegel is not specific about what, precisely, constitutes an economic sector capable of forming a corporation. We are led to believe that corporations would correspond roughly to what we understand by the term economic sector. For example, the textile industry would be one such sector. It is possible that this could be further divided into e.g. cottons and woollens industries. There may be divisions between spinning and weaving industries. Hegel gives us no idea how to decide where to draw the line. It is possible that each industry I have named is capable of forming a corporation with umbrella organizations within which their

activities could be coordinated. One very important point is that divisions between corporations are to be, so to speak, vertical rather than horizontal. That is, all the members of an industry - capitalist as well as worker - are members of the same corporation.

Hegel's intention in the theory of corporations is clear. He sees the corporations as moderating the anarchic effects of harsh, economic competition. The corporation may, initially, appeal to its membership only as a means to advancing their interests. The individual joins the corporation because he thinks it will benefit him. The corporation serves the interests of an entire industrial sector and, as one member of that sector, his self-interest is bound up with the interests of the sector as a whole. This, of course, is not always the case but, once an individual joins a corporation he is bound by its corporate decisions. In this way, individuals learn to accept decisions which, while not in their immediate interests, serve their long-term interests. Hegel's belief here is that each corporation will educate its members to the wider interests which it represents. The hope is that members will not always be tied to the calculus of immediate self-interest but may eventually understand the problems which face the corporation (industry) as a whole. Beyond each corporation lie the problems and concerns of other corporations, of the whole business class (in Hegel's sense), of other classes and of the social and political order which is their ultimate ground. In the section on the state we shall see that the lower house of the legislature is made up of representatives from the business class, elected indirectly through corporations. The corporation is the ethical institution which educates men beyond their particular

interests towards the wider responsibilities of political activity.

We have seen that the family is the substantial embodiment of universality, albeit in an immediate form. The development of the family points beyond itself because its result - the educated, responsible son or daughter - leaves the family behind. In civil society, particularity is the dominant principle. As civil society develops into more complex levels of activity, particularity yields somewhat. We have already described the emergence of universal interests. The corporation is the most developed institution of civil society because, in it, universal and particular are most clearly brought together. But the corporate universal is, at best, only the universal interests of one business sector. The corporation cannot actualize the true, concrete universal because it is essentially limited. It does, however, demonstrate to its members the necessity of moving beyond particularity, and bare self-interest. Like the family, its success points beyond itself. The corporation points to that moment of Ethical Life in which the concrete universal can become actual, that is, the corporation points to the state.

The State

We arrive now at the third section of Ethical Life which Hegel titles "the state". The state is the culmination of the development of the practical will. We have seen that the dialectic of the will describes the struggle of the will to create the conditions necessary for its actualization; that is, to create a human world in which man can lead a rational, free life. The concept of the will, rational freedom, becomes the Idea of the will when it creates the conditions for its own actualization. With the emergence of the

rational state this development of the will is complete and the state is "the actuality of the ethical Idea". (PR. No. 257).

In Chapter 6 I discussed Hegel's concepts of the state, history and Spirit. There I emphasized that the state is the active universal moment of human self-consciousness. It is not a passive medium within which the individual achieves self-consciousness qua "atomistic" individual. Still less is it a utilitarian convenience which is only a means to human material prosperity. On the other hand, the state is not a divine entity divorced from human concerns. As a universal it must, according to Hegel's logical demands, actualize itself in the concrete individual. The concrete individual, for Hegel, is the free citizen of a rational state. Particularity is not lost in this concept of the mediated individual, for each citizen has particular characteristics which are his alone and which serve to distinguish him in some measure, from his fellow citizens.

The task which Hegel sets himself is to describe free individuality as a concrete, mediated unity of universal and particular. In the family and civil society no such individual could emerge because of the incompleteness of each phase. It is Hegel's contention that this is only possible in the rational state.

The shortcomings of the two previous phases of Ethical Life are analogous to the shortcomings of two major schools of thought within the history of political philosophy. The family represents universality as pre-eminent. It appears as the immediate, natural form of community. In Hegel's eyes this is similar to the immediacy and naturalness of the Polis in the classical political philosophy of Plato and, to a lesser extent, Aristotle. The hostility

of this "natural" universality to the claims of particularity, and the inevitable clash in the classical world between them, is in Hegel's view most poignantly presented in the drama of Antigone.²⁹ In civil society particularity dominates and universality can only be posited, primarily in the form of the Corporations. This is similar to the standpoint of modern contract theory. For example, Hegel applauds Rousseau for "adducing the will as the principle of the state" (PR. No. 258, Remark). But Rousseau

"takes the will only in a determinate form as the individual will, and he regards the universal will not as the absolutely rational element in the will, but only as a 'general' will which proceeds out of this individual will as out of a conscious will."³⁰

The truly universal moment of the will is the state and not something posited as common to a plurality of self-contained individual wills.

In the section on the state Hegel tries to pull together all the disparate strands of analysis which have already appeared in the Philosophy of Right. He attempts to describe a state in which the legitimate claims of particularity are recognized while their excesses are curbed, a state in which the citizens recognize that the state is not a limit to personal freedom but its objective embodiment. In discussing this section I shall present Hegel's views in a brief and straightforward manner, attempting to demonstrate the significance for Hegel's political thought of the moments of the state. I will reserve criticism for the next chapter of the thesis.

"In the state everything depends on the unity of universal and particular." (PR. No. 261, Addition). This, in abstract logical terms, expresses the dominant theme of Hegel's theory of the state.

Everything in the state is considered from the perspective of unity and the state assumes its importance because of the role it fulfils in actualizing unity. The first concrete description of this unity is given by Hegel in his treatment of rights and duties within the rational state. He contrasts the relationship of rights and duties in the rational state with the one which, in Hegel's view, has dominated modern political theory. In general, the rival position states that

"(d)uty is primarily a relation to something which from my point of view is substantive, absolutely universal. A right, on the other hand, is simply the embodiment of this substance and thus is the particular aspect of it and enshrines my particular freedom. Hence at abstract levels, right and duty appear parcelled out on different sides or in different persons."
(PR. No. 261, Remark).

The problem, then, is to discover some way of bringing right and duty together. In Abstract Right the rights of the person and the duty to observe those rights in other persons have only a contingent relationship. The persons of Abstract Right do not recognize the necessity of fulfilling their obligations. In Morality, duty obliges with universal power and "necessity" but each subject has the right to determine the content of his duties. Thus the universality of duty is only a show, an appearance.

The stages of Ethical Life represent increasingly successful attempts to unify rights and duties. In the family, as a substantial universal association, duty is primary and rights are secondary, assuming their full role only with the "dissolution" of the family. In civil society (the sphere of personal material welfare) personal rights are primary and duties assume importance only in the posited, relatively universal institutions of the police and the corporations. But

"in the State, as something ethical, as the interpenetration of the substantive and the particular, my obligation to what is substantive is at the same time the embodiment of my particular freedom. This means that in the state duty and right are united in one and the same relation. But further, since none the less the distinct moments acquire in the state the shape and reality peculiar to each, and since therefore the distinction between right and duty enters here once again, it follows that while implicitly, i.e. in form, identical, they at the same time differ in content." (PR. No. 261, Remark).

How are we to interpret this passage? The problem which Hegel addresses in the Philosophy of Right is the problem of human freedom, of the mode of activity which actualizes freedom. The long journey through Abstract Right and Morality demonstrates the necessity of a rationally organized community for this actualization. The family and civil society, through necessary forms of ethical association, are by themselves insufficient. It is the state alone, Hegel contends, which can satisfy the demand for freedom. I have already discussed, in Chapter 6, the way in which Hegel conceives of the state as the concrete universal moment in the life of the free individual.

Now, if the right to freedom is a universal human right - and clearly, on Hegel's criteria, it must be universal if it is to be considered a right - then the state as the moment of concrete universality is necessary if the universal right to freedom is to be actualized. But if the state is to exist as a stable, living community it must impose certain obligations upon its citizens. To the self-conscious citizen of a rational state those political obligations, those duties, are not the dictates of an alien organization external to his essential interest. In fulfilling his political obligations the citizen strengthens the living, universal embodiment of his own freedom. The rational state is necessary for the actualization of his

right to freedom and in fulfilling his political obligations he actualizes that right.

This does not mean that the citizen abandons himself to the will of the state. Hegel is adamant about this, as we can see in his insistence that the rational state must recognize the claims of particularity.

"Duty, taken concretely as Idea, reveals the moment of particularity as itself essential and so regards its satisfaction as indisputably necessary. In whatever way an individual may fulfil his duty, he must at the same time find his account therein and attain his personal interest and satisfaction. Out of his position in the state, a right must accrue to him whereby public affairs shall be his own particular affair. Particular interests should in fact not be set aside or completely suppressed; instead they should be put in correspondence with the universal, and thereby both they and the universal are upheld." (PR. No. 261, Remark).

The state cannot regulate, nor ought it to try to regulate, the entire lives of its citizenry. Each citizen has particular interests which are beyond the proper reach of the state. If those interests are not in conflict with the broad interests of the state then the state must recognize and protect the rights of its citizens to satisfy their particular interest. This is why the content of rights and duties cannot be identical. In broad terms the form of right and duty is identical, two sides of the same coin. In practice (i.e. in content) they will differ. But we should not lose sight of the fact that this difference itself depends on the formal identity of right and duty. It is only in fulfilling the political obligations imposed upon him by the rational state that the citizen secures his right to particular satisfaction. It is in the differentiated unity of right and duty, the harmonization of content and form, that the citizen becomes a free

individual. All this expresses in different terms the proposition that we began with, viz. that in the state the unity of universal and particular, of state and citizen, is everything. Throughout the discussion of the state, however, we must keep absolutely clear the fact that, for Hegel, this unity is a differentiated one in which each moment which contributes to the concrete actualization of freedom retains its essential features and does not simply surrender them to the other moments.

There is one more point which must be raised before we proceed to the discussion of the political institutions of the State. In the previous chapter on Hegel's philosophy of history I discussed the relation between individual self-consciousness and the historical development of the objective, human world of laws, institutions, forms of association and so forth. History, as the history of the march of Spirit in the world, of the progress of human freedom, is completed when freedom becomes Idea. This is only possible with the actualization of the rational state. The emergence of the rational state is conterminous with the emergence of rational human self-consciousness. The state is the universal moment of human self-consciousness and so the emergence of the rational state and of rational human self-consciousness are two sides of the same historical development. There can be no completely rational (i.e. complete) human self-consciousness unless there exists a rational state. But equally, the rational state can only exist through the self-conscious activity of its citizens. To deny the former is to argue that human self-consciousness can be complete before, or independent of, the completion of its universal moment. To deny the latter is to argue that the state is a superhuman entity which,

as a universal, can exist independent of its particular moment.

The relation of the state to human self-consciousness must be grasped dialectically. Each side is seen to mediate the other and to mediate itself through the other. Each by itself, is abstract and incomplete; the concept of self-and-other mediation recognizes abstract incompleteness and conceives of its being overcome dialectically. The state and human self-consciousness develop together towards completeness. The result of this dialectic is the free, rational individual.

This is the concept which underlies Hegel's discussion of patriotism. He explicitly argues against the perverse notions of patriotism which are so often advanced. In his own time his primary object of attack was the German Romantics who tried to forge a German nation through emotional appeals to patriotic sentiments. In our own time we are often witnesses to the most base appeals for "exceptional sacrifices and actions" for the sake of the "Fatherland" or some other such "superhuman" entity. In the various perverse appeals to patriotic sentiment there is a common thread which unites them; they all attempt, through the manipulation of emotions, to impose some semblance of order on a chaotic political situation.

This is in sharp contrast to Hegel's use of the term.
Patriotism, for Hegel

"essentially...is the sentiment which, in the relationships of our daily life and under ordinary conditions, habitually recognize that the community is one's substantive groundwork and end... If...this genuine patriotism is looked upon as that which may begin of itself and arise from subjective ideas and thoughts, it is being confused with opinion, because so regarded patriotism is deprived of its true ground, objective reality." (PR. No. 268, Remark).

Patriotism is, then, essentially an act of recognition. The citizen recognizes the necessity of the state to his own freedom. He recognizes that the state is the objective, universal moment of human freedom. The coercive powers of the state are necessary because they secure the order necessary for freedom. Coercion is perhaps the wrong term for it implies a limit to the will imposed from without. But the state, seen in its truth, is not external to the will of its citizens. The limits to activity imposed by the state are recognized by the self-conscious citizen to be the limits imposed upon particularly by the objective embodiment of the universal moment of his own rational will.

This concept of patriotism may be unsettling unless we keep before us Hegel's philosophy of history. When Hegel discusses the state he does not mean any set of political institutions whatsoever. His concept of historical development as progressive points to a complete or rational state. It is only within the rational state that patriotism is fully rational. I have described the relation between self-consciousness and the state and have tried to indicate the way in which this relation develops historically. It need only be added now that the rational state and its self-conscious citizens are products of this development.

In the Philosophy of World-History the state is seen to be more than just the objective political institutions which exist at any given time. The state in its broadest sense points to the ethical totality which is present at every stage of historical development, even though the specific content of each historical totality differs from the content of every other one. In the Philosophy of Right, in the section on the state, Hegel describes a determinate set of

political institutions. The totality of Ethical Life is not expressed in those institutions taken by themselves. The ethical community must be structured. It must exhibit an order which satisfies the demands of reason. The political institutions of the rational state are the most developed objective structures which can secure and maintain that order. But those institutions are not complete in themselves. They gain their ethical character because they are necessary for the actualization of the ethical order within which human freedom is actualized. Similar to Aristotle, the political institutions express a state of ethical development which goes beyond the more narrowly conceived political role of those institutions. The ethical dimension of the state is not separate from the political institutions of the state. Bad political institutions cannot secure a good ethical totality. But good political institutions are never, qua institutions, complete and self-subsistent in themselves. Their value must always be seen within the context of the totality of Ethical Life. Hegel is not sufficiently clear on this point. Sometimes he refers to the state in the more narrow sense of a set of political institutions; on other occasions he uses the term as if it were synonymous with the totality of Ethical Life - including even Absolute Mind. Many of the more misleading interpretations of Hegel rest on the confusion of those two distinct but inseparable uses of the term "state". Hegel's intended use can often only be inferred from the context in which it is used. It is important, however, to make the effort to ferret out the precise sense in which the term is being used if we are to avoid error.³¹

The need to keep both senses of "state" before us is

exemplified in Hegel's discussion of the internal constitution of the state. The constitution sets out the division of powers between the various institutions of political life. Indeed, it defines the nature, scope and limits of those institutions. It may, or may not, separate the executive, legislative and judicial branches of government. It may establish a series of political checks and balances or it may ignore the opportunity to set those out in a precise manner. In short, the internal constitution of a state establishes the system of basic principles upon which a body politic is organized as well as the political institutions necessary for the maintenance of the body politic according to those principles.

This description of a political constitution is exceedingly abstract. It can only become concrete when we discuss actual political principles and institutions. Such discussions can take a variety of forms. Most obviously, there are discussions of the political constitutions of actual states, whether contemporary ones or historically superseded ones is unimportant. There are comparative analyses of different political constitutions. There are also discussions which, although based on empirical observations of actual states, attempt to establish a comparative typology or classification of political constitutions. Up to Hegel's time the two most notable attempts at this last variety of analysis are found in Aristotle's Politics and Montesquieu's Spirit of the Laws.

It is not an easy matter to decide which approach Hegel favours. At various times in his career he attempts different sorts of political analysis according to the circumstances and intentions which prevailed at the time. In the Philosophy of Right he clearly

intends to describe what Aristotle would call the "best" constitution. In a sense, we could argue that Hegel's discussion of the constitution of the rational state presupposes all the various approaches to constitutional analysis. For our purposes, in order to draw out the connection between the political and ethical aspects of Hegel's analysis of the rational state, it is perhaps most important to recall the major contributions of Aristotle and Montesquieu to the formation of Hegel's political thought.

Both Aristotle and Montesquieu attempted to establish the links between the political arrangements of a state and the ethical character of that state. In Aristotle, for example, an oligarchy is not merely rule by the wealthy but it also indicates that the pursuit of wealth dominates the entire life of the state. That is, the pursuit of wealth is the overriding principle which informs the entire character of the state. Montesquieu similarly attempted to demonstrate that particular political constitutions are intimately bound up with particular ethical values and characteristics of the people of the state considered as a whole. For example, Montesquieu pointed to Republican virtue as the ethical principle which informs the life of the people in a political democracy. If such virtue is absent then democracy quickly degenerates into a state where the political institutions become the vehicles of greedy and corrupt men.

Of the two analyses Montesquieu's was perhaps the more important for Hegel's mature political thought.³² First of all, Montesquieu's analysis focused on political constitutions much closer in time to the period when Hegel was active. Not only did this ensure that the actual political institutions which he discussed were

more relevant to Hegel but also Montesquieu was examining the emerging huge nation - state rather than the small city - state which was the object of Aristotle's analysis. Second, and more important, implied throughout Montesquieu's analysis is the intimate connection between political constitutions and historical development which Hegel later systematizes in his own philosophy. In the discussion of democracy, for example, it is clear that, even if democracy is a theoretically desirable form of political organization, it is disastrous if the people are not ready for it. By "ready for it" I mean that the people are not, in Montesquieu's phrase, sufficiently "virtuous" to create a stable democracy or even to benefit from its imposition by an external force or from above by, for example, a coup d'etat. A people becomes "ready" for a specific political constitution as a result of its own historical development. It was Hegel's great achievement to attempt to go beyond Montesquieu and discover the logic of historical development itself.

It is within this context that we must understand both the ethical and the political aspects of the state and the manner in which they are brought together in Hegel's discussion of the constitution of the rational state. The political institutions established and guaranteed by the constitution of the rational state are only possible if the historical evolution of the ethos (spirit) of a people reaches the level of development adequate to such institutions. Of course, Hegel maintains that ethical and political developments in history cannot be treated separately. But we can distinguish the more narrowly political institutional order from the general ethical order as conceived by Hegel. In the Philosophy of Right the political institutions enshrined in the constitution presuppose the self-

conscious recognition of several vital points: a respect for personal rights and for the positive laws which guarantee those rights; recognition right to moral judgement; respect for the family unit and for love as the principle of the family; a vigorous bourgeois society in which personal rewards for initiative are tempered by a concern for the welfare of others; the recognition of the necessity of a pluralistic order in which social and political unity can be achieved through diversity and not despite it; the recognition that personal freedom is only possible within a rational objective ethical and political state; the recognition that there is no necessary conflict between the obligations imposed upon the individual by this state and the individual's right to freedom and material welfare. This level of development is reached only through long historical development. The struggle to achieve that level of development is the story of the emergence of Spirit, of the Idea of freedom.

"A constitution is not just something manufactured; it is the work of centuries, it is the Idea, the consciousness of rationality so far as that consciousness is developed in a particular nation."
(PR. No. 274, Addition).

The constitutional organization which Hegel describes as explicitly rational is a modern constitutional monarchy. He identifies three essential moments of constitutional monarchy and explicitly identifies each with one of the logical moments of universality (the legislature), particularity (the executive), and individuality (the monarch). Each constitutional organ of the state must be grasped dialectically; that is, each must be seen as a differentiated aspect of a single whole, the rational state. The concept which Hegel employs to indicate the nature of this differentiated unity is the explicitly

political one of sovereignty.

I have frequently referred to individuality as the key concept of dialectical logic. There are many ways of presenting this concept, and the method of presentation will vary according to the context within which the concept is presented. Most frequently, individuality has been presented as the concrete, differentiated unity of universal and particular or, alternatively, of object and subject. We should also remember that individuality may be regarded as the unity of identity and difference as described in Chapter 3 above. The sovereignty of the rational state must be grasped as the concrete unity of each of those dichotomies. Of course, this does not mean that there are three different unities; there is only the one, but it can be regarded as a unity of different sets of opposed moments depending on our point of reference or emphasis.

The notion of the sovereign state as an "individual" is not really so mysterious as it appears. I can indicate this briefly with reference to the three sets of dialectical opposites listed above. The state is an entity which, at its most abstract level, can be regarded as self-identical. The modern political science concept of the political system as a recognized, authoritative allocator of values for the members of that system may be regarded, in Hegelian terms, as emphasizing the abstract self-identity of the state. The political system persists so long as it is able to continue to authoritatively allocate values (i.e. it maintains its identity as a political system). At such a level of abstraction the question of which values are allocated or how they are allocated is a second order problem. We could also characterize the authoritative allocation

of values as the most abstractly universal moment which must be present if a state can be said to exist at all. Identity and universality may be seen to specify the same thing although, from the perspective of a system's persistence through time, identity brings out the idea of the persistence of any given political system through time more directly. On the other hand, the concept of universality highlights directly the features which all states must have if they are to be states at all. The self-identity and universality of any political system qua system can be regarded as objective. The notion of "authoritative" certainly implies subjective recognition, but the nature of that recognition is irrelevant to the concept of the political system strictly considered. That the system may be said to exist at all is a statement of its objectivity; it is irrelevant whether it exists as a result of despotic terror against its subjects or on the basis of freely-given consent.

The level of abstraction achieved by such a concept of the political system, while of some merit, severely limits its usefulness. It is surely not misplaced antiquarianism to demand that political analysis probe more deeply and address itself to the nature of the values which a given system allocates and to the method whereby they are allocated. But when we attempt to go further in this direction we are immediately faced with the problem of specifying what distinguishes one political system from another. This may be done either explicitly as in a comparative analysis of different political systems, or it may be done implicitly by employing certain terms - such as authoritarian or democratic, socialist or capitalist - which by their nature invoke comparison with other terms of political discourse.

When we address those questions we must analyse the features

of political systems which allow us to distinguish between political systems. We must examine the particular values which obtain in a particular political system. We must analyse the particular institutions which together differentiate the system as a whole from other systems. In short, we must examine the features of a political system which correspond to the opposite poles (subjectivity, particularity, difference) of the logical dichotomies which I have identified if we are to distinguish between political systems. Each state - considered as an individual and distinct state - embodies the unity of the abstract moments described above.

But this may be somewhat misleading when we turn our attention to Hegel's rational state. Although questions of particularity, of difference and of subjectivity certainly serve to distinguish between political systems, we must not lose sight of their significance within a political system as well. For example, a state may be recognized by its citizens as an entity which authoritatively allocates certain acceptable values. In order to effect its tasks the state requires a political organization. The political organs of the state each have specific functions, and each may be regarded as differentiated from the others. The way in which this internal differentiation is achieved is a matter of great significance. A judiciary which is subject to the arbitrary dictates of a monarch, or a parliament, or a single political party is decidedly different from one which is independent of such arbitrary coercion. A state may claim for itself absolute priority over any possible matters of conscience on the part of its citizens or it may decree that matters of conscience must always have a fair hearing when they conflict with positive laws. Clearly matters of internal organization distinguish one political system from another and affect the lives of

the members of each system in different ways. Nor should we ignore the fact that geographic, climatic, historical, religious and similar features may distinguish quite markedly the ethical nature of one state from that of another despite great similarity between both their professed ideals and their internal political organization.

Finally, it may seem odd to speak of logical dischotomies in terms of the political constitution. At various times throughout this thesis those dichotomies have been used to describe opposed elements of a non-political nature. (In *Morality*, for example, I discussed the abstract good for all and the particular perception of this good by the abstract moral subject.) This is not as confusing as it may appear. First, the logical dichotomies are, precisely because of their logical character, not confined to only one set of concrete discursive terms. Second, the problem of the Philosophy of Right is the problem of rational freedom. Each section of the text marks a stage in the development of this problem towards its eventual solution. Abstract Right and *Morality* demonstrate the necessity of a rational community for the actualization of freedom. But in the section on the state we are not confronted simply with a wholly abstract community on the one hand and the atomistic individual on the other and the problem of somehow bringing them together. We have already examined a variety of forms of community and of individual activity which have moved our concepts of both the individual and the community considerably beyond the abstract point at which they were originally discussed. In the state Hegel will attempt to complete this process. When we talk, therefore, of the universality and particularity of political institutions we are talking about a different sort of particularity than was the case in Abstract Right.

For example, particular demands as discussed in the state are the demands raised in the legislature by the elected representatives of particular corporations within civil society. We are a long way away from the unmediated particularity of the "person" of Abstract Right.

Hegel begins his discussion of sovereignty by defining it as the unity of universal and particular elements of the State.³³

"Particular" here refers to the specific political institutions of the state - such as the legislature and the executive - and the activities carried out by them and by others under their authority. The "Universal" element is somewhat more difficult to conceptualize. Hegel refers to it as the "substantial unity" of the state, or as the "ideality" of the particular institutions of the state. In an effort to present this concept more concretely Hegel employs a variety of metaphors which attempt to portray the state as a living organism. Within a living organism each part of the organism can only be understood in terms of the organic whole. To separate a part from the whole and then attempt to understand it in isolation inevitably results in abstraction and a false understanding of both the part and the dynamic nature of the organism which sustains it. By analogy, each political institution can only be understood within the context of the political whole. The substantial unity which is the universal moment in the state is that which sustains each particular institution and binds each institution to other institutions within a coherent political totality.

The organic metaphor, while useful, is limited and potentially misleading, not least because of its "vitalistic" and "naturalistic" implications. I believe it is more informative if we recall the discussion in Chapter 1 of Absolute Knowledge. There I maintained that

Absolute Knowledge is a knowledge of the entire structure of knowledge and of the place that specific forms of knowledge occupy within that structure. Those forms are correct within a limited range of objects but are not complete in and for themselves. Within the hierarchic structure of forms of knowledge as known by Absolute Knowledge each form achieves a coherency which it is unable to achieve for itself.

Similarly, in the state each particular institution has responsibility over a certain domain of political activity. Taken by itself in isolation (in and for itself) each institution appears abstract and partial. It is only within the totality of political life that each political institution and activity achieves coherency. The coherency results from its fulfilling its proper role within a structured totality. This totality is not something separate from its parts, from particular institutions. The particulars of political life, analogous to the forms of knowledge in the Phenomenology, are united ultimately within one coherent, structured totality. The universal element in the state is the substantial unity, the abstract political identity of the state, which can only be actualized through the particular political institutions of the state.

Absolute Knowledge is the knowledge of the differentiated structure of knowledge. The structure is ideal; we cannot point to one form of knowledge among many and claim that it comprehends all the others within it. The structure is one, but it is immediately differentiated into all the forms of knowledge which are comprehended within it, for if it were not so differentiated the structure would be empty and meaningless; that is, it would not be the structure of any thing at all. Sovereignty, like Absolute Knowledge, is a knowledge of the

relation between the universal structure (substantial political unity) and the parts (political institutions) which it comprehends within it. The two moments cannot be separated if they are to be known concretely. But the relation between universal and particular can only be grasped ideally, whether in Absolute Knowledge as described in the Phenomenology or in sovereignty as described in the Philosophy of Right. The true sovereignty of a rational state is an ideal concept which is known by the self-conscious citizen of that state.

This concept of sovereignty as the ideal unity of the diverse moments in the political community is consistent with Hegel's philosophical idealism, with the attempt by mind to penetrate the finitude of appearance and to discover the infinite actuality which is its truth. Having said this, it is all the more surprising to find Hegel backing down almost immediately from this position. He writes that

"sovereignty, at first simply the thought of this ideality, comes into existence only as subjectivity sure of itself, as the will's abstract and to that extent ungrounded self-determination in which the finality of decision is rooted. This is the strictly individual aspect of the state, and in virtue of this alone is the state one...this absolutely decisive moment of the whole is not individuality in general, but a single individual, the monarch." (PR. No. 279).

Hegel here has moved in a new direction. He justifies himself by arguing that "individuality in general" is too abstract a concept to satisfy the demands of political life. We must move to concrete individuality, and this he identifies in the person of the monarch. The monarch, as the apex of the constitution, unifies all the apparently disparate elements of the state in his person.

The illegitimacy of this move should be clear. We have not

been discussing "individuality in general". As a logical concept individuality is the proper study of the Science of Logic and it is there that we can discover discussion of "individuality in general". Throughout the Philosophy of Right the logical concept of individuality has always been employed in the discussion of freedom. Far from being of mere "general" interest, individuality has always referred to the struggle to actualize human freedom. The true individual is nothing other than the free citizen of a rational state. In the Philosophy of Right there is no "individuality in general" which can be separated from the concept of the free man or, as we have come to see, of the free citizen. The sovereignty which is the unity of all disparate moments of political life, which is concrete individuality, exists only in and through the self-consciousness of the free citizens of a rational state.

Hegel's displacement of sovereignty to the person of the monarch raises a serious problem to which he never properly addresses himself. Before the introduction of the monarch in the Philosophy of Right sovereignty was predicated of the rational constitution as a whole. The sovereign unity of the constitution existed ideally for the self-conscious citizen. Now, however, sovereignty exists physically in the person of the monarch. Individuality exists in the monarch as an individual and not in the thought of political unity.

At this point we can bring out the fundamental ambivalence of Hegel's treatment of sovereignty. If sovereignty is predicated of the constitution as a whole and exists concretely only in the thought of its self-conscious citizens, then the monarch is only one moment in the whole. Hegel could then argue that the monarch fulfills only a

representational role. There would be constitutional limits to his powers which, in effect, amount to no more than representing in his person the ideal unity which is conceptually distinct from his person. This appears to be Hegel's view when he discusses the monarch as the person who "dots the i", whose power is formal and not substantive. (PR. No. 281, Addition). If, on the other hand, sovereign individuality exists concretely in the monarch and is not merely represented by him, then the relation between the whole and its parts is reversed. The will of the individual monarch becomes the whole (unity) and the other moments of the constitution - the legislature and the executive - become its constituent moments. Hegel appears to support this view when he writes of the unity which exists in the person of the monarch that "in this unity lies the actual unity of the state" (PR. No. 281). Note that he describes this as the actual unity and not as representative of the actual unity.

Earlier in this chapter it was stated that the concept of sovereignty is the predicated unity of the entire constitution. That is, the whole is predicated of its parts. But that unity is dialectical and so it is equally true to state that the parts are predicated of the whole. Dialectical unity always signifies the dynamic inter-relationship of a whole and its parts.³⁴ The dialectical concept of unity becomes problematic for the second aspect of monarchical sovereignty in which the parts must be predicable of the whole. If the legislature and the executive are predicates of the sovereign will of the monarch then what is their ultimate political status? Does the monarch have the right, as actual sovereignty, to dictate to the institutions? Can he reduce them to mere adjuncts to his will? These

questions arise because of Hegel's identification of actual political sovereignty with the will of the monarch. It is no good arguing that the monarch probably would not act autocratically in a modern state, for that makes the whole issue contingent on the character of the monarch. Hegel's whole structure, developed laboriously in the pages of the Philosophy of Right, is designed explicitly to banish such contingency from political life. The monarch may not treat the legislature and executive this way, but he certainly appears to have the power to do so and, were he to do so, he would not infringe in any way the political sovereignty of the state.

The question why Hegel displaces sovereignty in this way may perhaps be answered by reference to the political environment in which he wrote. His attempt to justify the existing political institutions of his day has been discussed at length in the Hegel-literature. For now, I wish to push this point no further. In the next chapter I will raise the issue once more and, I hope, indicate the more profound philosophical reasons for his doing so as well as draw out the wider philosophical implications of the displacement for his political philosophy as a whole.

Once Hegel has abandoned the rigorous logic of development described in the Philosophy of Right he opens the gates to a flood of silly "deductions" about monarchy. The most famous is Hegel's demonstration of the rationality of the hereditary monarchy. The monarch is a person, with an idiosyncratic character. But he is also a monarch and, as a monarch he is majestic and dignified. There can be no separation between the two; "this man" is immediately "the monarch". A separation would create political uncertainty or, at

least, scepticism about the majesty of the monarch. The identification of "this man" with "the monarch" is achieved immediately through birth. Hereditary succession guarantees the immediacy of that identification. It is possible that Hegel here is relying on the force of his organic metaphors to carry the point. Also, it may reinforce the notion that freedom is like a "second nature". Whatever his inner thoughts, the deduction as stated is ludicrous. Further, his appeals to the avoidance of possible factionalism and court intrigues about succession are based on contingent considerations and wholly out of keeping with his expressed claim to stick rigidly to the realm of rational necessity.

Hegel has almost nothing to say about the duties and activities of the monarch.³⁵ The monarch, as concrete individuality, unifies in his person the two moments of universality and particularity in the state. The constitution (i.e. the institutional structure) and the laws of the state are, taken together, the universal moment, while the current political "business" of the state, in its myriad detail, is the particular moment. Hegel then attempts to describe how each of these moments itself has a subjective and objective aspect. Objectively, the universal moment is embodied in the existing structures and laws of the state while subjectively it exists in the conscience of the monarch. The particular moment requires a mediating institution - the supreme council - for it to achieve objectivity. The supreme council consists of advisors appointed at the pleasure of the monarch who advise him on the current concerns and affairs (and their background) of the state. In this way, Hegel argues, the affairs of state become objective. The particular moment finds its

subjective embodiment in the final decision reached by the monarch on items raised with him by his supreme council.

Hegel's efforts here strike me as a rather desperate attempt to shore up his notion of the monarch as concrete individual by trotting out the logical categories which are the proximate matter of the logical category of individuality. His efforts raise many more questions than they answer. For example, what does it mean to say that the objectively universal structures and laws of the state find their subjective embodiment in the conscience of the monarch? Does this mean that the objective universality of the state exists only by the will of the monarch and the monarch, knowing this to be the case, feels morally obliged to act wisely and observe the dictates of his conscience and not arbitrary desires? But as we saw in the section on Morality, conscience itself can be arbitrary. Also, what if the monarch chooses not to act morally and responsibly? Is there an institutional check on monarchical wilfulness? Hegel has no answers to those questions. Finally, the supreme council appears to fill a role which, as we shall see, Hegel reserves for the legislature, viz. raising particular political matters to the level of universality and objectivity. Is Hegel, in effect, suggesting that the supreme council performs parallel to the legislature? In that case, whose deliberations take precedence? Can the monarch, on the advice of the council, disallow legislation or direct that new legislation be passed? Hegel does not answer any of those questions. His silence may rightly be taken as an indication of the fundamental weaknesses of his description of the monarch as the "actual unity" of the state.

The second major institution of the political community is

the executive or civil service. Hegel describes the executive's role as "subsuming the particular under the universal". (PR. No. 287). This is accomplished in two ways. First, the executive is responsible for translating legislation into action, for establishing the administrative machinery necessary for the efficient management of government programs, and for applying universal laws and programs to the particular cases which fall within their jurisdiction. Second, the executive must supervise the activities of the more particularistic institutions of civil society, such as the corporations, and ensure that they harmonize their activities with the universal interests of the community as a whole. This is not merely an advisory function, for the executive is ultimately responsible for ratifying the appointment of corporation officers. That is, members of a corporation may elect or otherwise decide upon its officers, but final approval of those officers rests with the executive of the state.

At first sight Hegel appears to be describing a very authoritarian structure. But that view exaggerates the degree to which Hegel allows political power to be centralized in the rational state. With remarkable prescience Hegel describes in the section on the executive the necessity of a competent, responsible bureaucracy for the emerging, complex, modern nation-state. The modern state requires a skilled bureaucracy to carry out legislative programs designed to benefit the nation as a whole. This requirement demands a centralized authority. But Hegel also seeks to balance the impetus to centralization in various ways. While corporation executives must be approved by the central government, the wishes of the members of a corporation are allowed expression through the corporate electoral process, and

it follows that an executive must be very careful before it vetoes that process. Ratification in most cases is probably more symbolic than anything else, serving to emphasize the importance of avoiding excessive particularism in opposition to the wider interests of the state as a whole.

Second, Hegel allows for local political officers to be elected locally, in contrast to, for example, the Napoleonic practice of centrally appointing local political officers such as mayors. (PR. No. 290, Addition). Local politicians are vital to the smooth administration of central programs. Lack of local cooperation can seriously hamper even the most enlightened policies of the central government. Hegel clearly intends that such cooperation be secured on the basis of consultation and trust rather than insensitive coercion. But this means that local politicians, who are much closer to the particular interests and needs of their constituents, have influence over central policy. Indeed, Hegel explicitly points to discretionary power of local officials as a check to bureaucratic bungling. (PR. No. 295). He does not set out the procedures which must be followed if bureaucratic incompetence or arrogance are to be challenged, but presumably they would include various mechanisms of appeal as well as, possibly, judicial hearings in a court of law. There is certainly nothing in Hegel's analysis of the executive which precludes in principle such appeals and checks on executive power.

Finally we should note that the members of the executive branch of government constitute the universal class described in civil society. In his discussion of the executive Hegel also describes civil servants as composing "the greater part of the middle class, the class

in which the consciousness of right and the developed intelligence of the mass of the people is found." (PR. No. 297). The mention of class is not very illuminating. It appears it is by virtue of being a member of the executive that a civil servant is a member of the universal class, and not the other way around. Middle class is an even more confused notion. Certainly Hegel does not mean that the civil service must restrict its recruitment to members of an economic middle class, since he explicitly argues that talent alone is the proper criterion of entry into the civil service and talent is not restricted as such to any one class. (PR. No. 291). Perhaps he means that, in fact, most able people will be discovered within the middle class. But middle class, as a separate class, was never mentioned in the section on class divisions in civil society. I think it most likely that Hegel here thinks of middle class in a primarily ethical manner. Certainly the middle class lies economically between the self-indulgent rich on the one side and the insufficiently educated and culturally "deficient" poor on the other. But more importantly, the members of Hegel's middle class are relatively free of the particularistic notions inimical to good government. Although civil servants are the greater part of the middle class, they are not its entirety as is the case with the universal class. Presumably, Hegel would include people such as teachers, doctors and other professionals in his concept of middle class. The emphasis on "professional" is underlined by Hegel's insistence on a trained and salaried civil service. For Hegel, the term "middle class" denotes a public-spirited vigour which is lacking elsewhere in society. This is a traditional theme in political theory which can be traced back to

Aristotle's discussion of "polity" as the best practicable constitution for a polis.

The third major political institution is the legislature. The legislature passes new laws and revises and extends old ones. In general it is responsible for determining the positive laws for the state as a whole. Its end, in the widest possible terms, is to provide for the well-being and happiness of the citizens of the state. It is also empowered to exact services from the citizens. This latter takes the form primarily of tax levying although it could include military conscription and public service of different sorts according to the particular circumstances of the time.

In its primary function as a law-making body the legislature must consider the views of as wide a section of the citizen body as possible. It is for this reason that Hegel supports the idea of an elected assembly (although, as we shall see, elections are held only for the lower house). The public debates of the legislature serve to bring out the views, not merely of the legislators, but of the sections of the population which they represent.

This sounds straightforward enough, and seems to agree with modern liberal-democratic thinking. But on the issue of representation and public elections Hegel adds his own distinctive touch. The legislature is bicameral. The upper house is composed of members of the aristocratic landed class, similar to the British House of Lords at one time. The lower house is composed of the elected representatives of the business class. Each house fulfils a special role within Hegel's constitutional scheme.

In the lower house the interests of the business class are

represented. Members are elected indirectly through corporations, special societies and similar organizations. It will be recalled that such organizations belong, more properly, to civil society. There Hegel had allocated to them the vital task of mediating between the particular divergent interests of their members. As the corporations, for example, overcome the differences between their members they can begin to establish some points which are common to all their members. This is a difficult task, but Hegel regards it as essential to an ethical society, since rampant particularism is inimical to public order and welfare. When it comes to the elections to the legislature (lower house) of the representatives of the business class Hegel seeks to preserve the achievements of the business class. Therefore, he maintains that elections be held indirectly. Legislative representatives stand for election within corporations or similar societies and are elected to represent their corporations by the membership alone of the corporation. There are no elections outside those organizations; that is, there is no direct electoral appeal to the voter qua citizen. Similarly, the citizen does not have a vote except as a member of a corporation.

Indirect elections emphasize Hegel's concern to mediate the particularity which is both the strength and the weakness of modern bourgeois society. It is his belief that indirect elections through the corporations will go a long way in this direction. Public debate within the lower house will further this mediation since individual representatives, representing different interests and perspectives, will have to hammer out a consensus among themselves capable of becoming state law. Hegel also insists that representatives, once elected, are not expected to slavishly follow the demands of their respective

electorates. The corporation votes for a man because it believes in his ability and trusts his judgement. But he is also expected to contribute to the legislative process and to the strength and vitality of the state as a whole. When the interests of the state conflict with the specific interests of his corporation, the good representative must choose for the state and against his corporation. The public debates of the legislature have value precisely because representatives can learn other points of view and members can "deliberate in common and reciprocally instruct and convince each other". (PR. No. 309).

In this way Hegel seeks the transformation of the business class from a purely economic class to a politically conscious one. We can see this in his adoption of different terms. The business class of civil society becomes an "estate" of political state. Estate here has an explicit political sense in a way that class - at least for Hegel - does not. But the political education of the business class is not to be wholly trusted and it is for this reason that Hegel introduces the upper legislative house. Members of the upper house come from the land-owning class and take their seats through birth and not through elections. Although Hegel is vague about the details, it appears that this house serves as a check on the activities of the lower one. Hegel's defense of the upper house is that its members necessarily have more universal interests than members of the lower one. He introduces several unconvincing arguments in support of this, such as their closeness to nature and the fact that succession to a seat through inheritance reaffirms the ethical notion of the family in its immediate universality. This is nonsense, not least because the immediate universality of the family is different from the

universal interests of the rational state.

Hegel here appears to assume that universality has the same content regardless of the context in which it appears and this contradicts everything we have seen in the Philosophy of Right. The occupational division of the legislature, on the basis of the division between agricultural class and business class, is unfortunate. Much more satisfactory would have been the allocation of some lower house seats to agricultural representatives; the ensuing debates within the lower house among all economic and productive sectors of the state would represent the full range of interests. There are no rational grounds for arguing that agricultural interests are a priori more universal than business interests; it may be true to say that, in some essential respects, they are quite different but this is a considerable departure from Hegel's position. There is no simple continuum from particularity to universality, along which the business class can carry particular interests so far, at which point the agricultural class steps in and ensures the journey's completion. The true universal must result from the mediation of all interests - including business and agricultural - and is not the property of any one interest group. Also the members of a corporation are drawn from all levels within the industry, labour as well as management. Presumably all members have some say in electing representatives to the lower house. For the agricultural labourer, however, there is no similar role to play. The representatives of his class - if it makes any sense at all to talk of landowner and peasant as members of the same class - are not elected and so he is barred from any political participation.

There is one more point I would like to discuss in connection with Hegel's analysis of the legislature. We have already examined the mediative role of the legislature insofar as it mediates among the particular interests of the business and agricultural classes; the legislature also mediates between the "people" or the "Many" on one side and the monarch and executive on the other. This mediative role is not simply mechanical; Hegel constantly refers, explicitly as well as implicitly, to the educative role of public political and social institutions. In a rational state the coercive power of political and social institutions rests on their explicit rationality and not on their monopolization of physical power. The universal interests of the state which are so essential to the actualization of human freedom emerge through social and political discourse and are recognized as necessary by an informed and involved public, or citizen body.

This "education" of the public is not the sole preserve of official social and political institutions. It is also carried on in semi-official or completely unofficial ways. This "public sphere"³⁶ is constituted by public discussion of social and political issues. Such discussion may be carried on in the press or in public forums. It certainly extends into the relatively private world of discussions between acquaintances at work, during leisure time, in the work-place, public house and private home. Through such discussion the public becomes informed about and educated into the social and political issues which are the concern of the state. The public sphere also serves as a useful arena for the airing of differences and disputes which ought to be the concern of elected representatives, the civil

service and the monarch but which they may have been ignorant of or thought unimportant.

Hegel defends the idea of a vigorous public sphere. He argues for a free press and for the right to free speech. When, above, I referred to "semi-official" modes of public discussion I had in mind Hegel's strictures against absolute freedom of speech and press comment. His strictures although established and administered by the State, are remarkably liberal for the Prussia of his day. They include laws against libel, slander, and incitement to protect both the freedom of the individual from unwarranted persecution and the health of the body politic which is poorly served by infringements of that sort. Hegel is aware that such laws are abstract, but he adds that the application of such laws, although potentially oppressive, is justified. The judicious use of those laws depends on the degree of political maturity attained by the ruling organs of the state as well as by the citizen body.

Hegel's respect for and support of the public sphere is not based on a respect for the actual content of contemporary public opinion and debate. On the contrary, he states that it is usually appallingly bad and ill-informed. Nevertheless, he defends its expression, and justifies his defense in several ways. First, the opinions may be bad, but they are genuinely held and deserve a hearing. Second, the expression of opinions in public is educational. The citizen is forced to examine his opinions when he chooses to make them public, and this aids the refinement and articulation of opinion. Third, the clash of opinions in the public sphere indicates the complexity of social and political life and, if that complexity is

understood correctly, leads to tolerance and respect for others. There is no way to ensure that this will be the case; once again it is a measure of political maturity and cannot be legislated. Fourth, the public sphere works in two directions; private citizens may use it to influence political decisions but politicians may also use it to explain and defend their actions. This contributes to political education and maturity, for it is no bad thing when elected representatives feel obliged to defend themselves before an informed public. Finally, a vigorous public sphere provides an outlet for the pent-up frustrations of private citizens. Hegel is well aware of the need to have access to a public forum and of the political consequences of denying a public forum to the citizens. This is not a cynical view. Hegel would be cynical if he believed that the social and political order described in the Philosophy of Right served only a limited interest group and therefore had to be foisted on a suffering public. He has no such belief. Instead I think it is truer to say that he genuinely believed in the educative role of the public sphere and honestly welcomed its existence as a sign of political maturity.

Relations between States

After discussing the constitution of the state "on its internal side" Hegel turns to the "external side" or the relations between sovereign states. His general approach appears conventional enough, and there is no need to examine his ideas in detail. Although Hegel divides relations between state into two sections - "sovereignty vis-à-vis foreign states" and "international law" - I propose to treat the two sections together.

As a sovereign state, each state looks to its own national

interests. Hegel believes it is right that a state operate in the international sphere on the basis of "realpolitik" considerations and not for the sake of abstract moral notions. A government is wise to the extent that it furthers the particular interests of its own state and people; there is no "universal providence" which determines the actions of particular governments (PR. No. 337). This does not, of course, mean that governments should act narrowly; a state's long-range interests may be best served if certain short-term advantages are foresaken. The skill available for determining the genuine interests of the state is a measure of the political wisdom of the leaders of the state.

Treaties and international agreements are negotiated and concluded on the basis that all parties will benefit in some measure from them. The parties to a treaty will continue to honour the terms of the treaty if it is to their advantage to do so. The customs of a nation will, to a considerable extent, influence its international behaviour including whether it honours its treaties with other countries. Despite the many attempts by the states to honour their international commitments and behave peacefully and respectfully towards other states, the international system does break down on occasion.

Within a state there exists a system of laws which order the activities of the citizens of that state. The laws are backed up by the courts, the police, the penal system and, most importantly, the recognition by the citizens that the laws are authoritative and binding. A breach of the law brings down upon the wrong-doer the entire system of justice and law enforcement. This, unfortunately, is not the case in the sphere of relations between sovereign states.

There is no one authoritative system for enforcing treaties and ensuring that states respect each other's sovereignty. Each state perceives all other states as pursuing particular interests, and yet there is no international authority capable of ensuring that those interests are harmonized in some way. The situation is analogous to the "state of nature" examined in Abstract Right; each state appears to all other states as a national "personality" pursuing particular interests with no absolute and authoritative institution to limit the pursuit of particular interests to those areas where they do not adversely affect the interests of other states. When the collision of interests of competing states reaches a critical level, the only alternative to outright capitulation by one state to the demands of its rival(s) is war.

Hegel's comments on war are, on the surface, not very remarkable. He notes that, even in a war, states still retain some notion of the statehood of the other parties to the conflict. This recognition is found in the "rules of war" which forbid states, for example, to wage war against civilians of the other state. Even at the height of war, the parties to a conflict retain the possibility of securing a peace and this implies the recognition that war is not an absolute end in itself (PR. No. 338). Hegel also has a few comments to make on the nature of courage; those comments should be understood in the context of his remarks on patriotism discussed at the beginning of this chapter. Although Hegel has been criticized for glorifying war his comments, when viewed in the context of his times, are not terribly outrageous or bloodthirsty.³⁷

There are, however, a few points in Hegel's discussion of war which are confusing when compared to the general line of develop-

ment described in the Philosophy of Right. In his discussion of war, Hegel appears to drop all references to the rational state. Suddenly, we are examining the international role of states (albeit, modern nation-states) in general. There is no distinction made between the international conduct (including the waging of war) of a rational and a deficient state. This underlined by Hegel's belief that, in war, a citizen rediscovers the substantial nature of his state; an attack on the state is perceived as an attack against the substantive grounds of his individual freedom. The citizen perceives the defense of the state as a duty which must be met, even to the point of risking his life for the sake of the state's defense and survival. Indeed, Hegel takes this point about as far as possible; he argues that the occasional war revives the spirit of a nation and, if wars do not occur from time to time, the nation becomes corrupted as a result of the 'ethical lethargy' induced by prolonged peace.

Hegel's thoughts on war appear almost conventional; historically, wars have often been imbued with great ethical significance not only in the sense of "just wars" against a terrible enemy but also as a means of rediscovering the latent vitality of a nation. The comments are remarkable, however, because they are so inconsistent with what Hegel has already said about the rational state. As we have seen, an essential moment of the rational state is the recognition of the state as the substantial embodiment of human freedom. Is Hegel now saying that the moment of recognition and, therefore, the rational actuality itself of the state is transitory and requires occasional injections of patriotism to revive it? When he speaks of the inevitable corruption of prolonged peace is he referring to the corruption of the legislators,

the civil servants, the monarch, the citizens? There is a fundamental ambiguity in Hegel's discussion of war and it serves to bring out some of the fundamental problems in Hegel's political philosophy. The next chapter will critically examine those problems.

World History

The concluding section of the Philosophy of Right is titled "World History", and it contains an extremely condensed version of Hegel's philosophy of world history. In contrast to his section on war and international relations, Hegel now is back firmly on the terrain of Spirit's development and the actualization of freedom in the modern rational state. Hegel presents a potted version of his four-fold division of world history into historical realms - the Oriental, the Greek, the Roman and the Germanic - corresponding to the major historical stages of Spirit's development. The development is progressive and the last stage - the Germanic realm - marks the actualization of Spirit. Hegel here uses "state" in the sense discussed in chapter 6 of the thesis, viz. as a totalizing form of human association.

I believe Hegel introduces world history at the conclusion of the Philosophy of Right to demonstrate that his discussion of the rational state is not abstract and utopian. By connecting the rational state to his philosophy of world history Hegel hopes to show that the rational state is a historical actuality which must be understood within the terms of philosophical world history. This is much more in the nature of a reminder to his audience rather than a proof; Hegel is reminding the reader of the arguments of his philosophy of world history in order to maintain the connection between reason and history which he describes therein. I reversed Hegel's order in the Philosophy of Right because I

thought it aided the examination of the arguments of the book. By discussing the philosophy of world history before the state I hoped to establish two main points: first, I wanted to give an outline of Hegel's concept of Spirit in order to facilitate the comprehension of the "spiritual" nature of the rational state and second, I wanted to explain the potentially confusing transition from the abstract individualism of Abstract Right and Morality to the spiritual collectivism of Ethical Life. I believe my approach is justifiable and there is nothing in Hegel's discussion of world history in the Philosophy of Right to contradict my procedure.

CHAPTER SEVEN

ETHICAL LIFE

FOOTNOTES

1. "Modern state" here refers to the Western European "liberal" model which Hegel regarded as the zenith of rational development.
2. Hegel appears to reject Kant's description of desire as necessarily heteronomous, although it is arguable that Kant never intended his moral theory to be as severe as both his critics and his followers sometimes make it.
3. See e.g. Plato, Gorgias, 517 B-C.
4. Aristotle, Politics, 1276 b 16 - 1277 b 33.
5. Aristotle, Politics, 1252 a 24 - 1253 a 38.
6. Hegel's term in German for the third stage of the Philosophy of Right is "Die Sittlichkeit" which is translated as "Ethical Life". The distinction between die Sittlichkeit and das Sittliche (although both are clearly connected to Sitte) is that the former denotes a realm or a sphere of objective existence in which it is possible to lead a rational (ethical) life while the latter denotes the activity or conduct of an individual who is rational and lives in a rational, objective sphere (the rational state). Although both terms are translated by Knox as "ethical life" we should bear in mind the different aspects of the English phrase.
7. We can, of course, refer to the "ethos" of a people but this doesn't quite capture the customary nature of such beliefs nor does it connect readily to "ethics", or the "ethical" since these latter terms tend increasingly to refer to a special branch of knowledge.

"Norm", or "normative", and "normal" may be closer to Hegel's meaning but this would be stretching our common-sense understanding of these terms. "Mores" and "morals" may be closest. cf. Knox's note on paragraph 151.

8. We must not forget that Absolute Spirit - Art, Religion, and Philosophy - lies beyond Objective Spirit. The problems this raises will be discussed in the next chapter.
9. K.H. Ilting, "The Structure of Hegel's Philosophy of Right" in Pelczynski, op.cit. p. 98.
10. Aristotle, Politics, 1252 a 1-6.
11. Harry V. Jaffa, "Aristotle", History of Political Philosophy, ed. Leo Strauss and Joseph Cropsey (Chicago, 1963), p. 68.
12. Aristotle, Politics, 1252 b 27 - 1253 a.
13. Aristotle, Nicomachean Ethics, 1094 a 1 - 16.
14. ibid, 1160 a 9 - 30.
15. Aristotle, Politics, 1261 a 10 - 1264 b 25.
16. Aside from the obvious monetary obligations enshrined in the notion of contract, philosophers have tried to portray marriage as a sexual contract. In this light, Hegel's insistence on love as the true ethical basis of marriage was not as obvious in his own time as it is in ours. On this point see the quotes on marriage from Locke and Kant in Ilting, art. cit. p. 94, n.9.
17. This includes his rather crude sexual stereotyping. The picture of the rational man and the feeling, emotional woman, even though we may reject it as outrageous, is not central to Hegel's arguments concerning love, and can be hived off from the main line of analysis.

18. cf. PR. #189 Remark. See also Paul Chamley, Economie Politique et Philosophie chez Steuart et Hegel, (Paris, 1963) for a detailed study of Steuart and Hegel. This work includes a very useful study of the major impact made by Steuart's work (as well as that of other Scottish economists) on German intellectual life. Georg Lukacs, The Young Hegel (London, 1975) is an extensive treatment of the role political economy as a discipline played in the formation of Hegel's thought.
19. We saw this most explicitly in the discussion of Kant's rejection of heteronomous freedom, a rejection which Hegel applauded and adopted. Also cf. PhG. pp 407-413; PhM. pp. 590-598.
20. cf. Leo Strauss, Natural Right and History (Chicago, 1968), pp. 81-165 for an excellent treatment of classical natural right theory.
21. Cases of civil disobedience need not involve natural law theory. It is possible to accept the positivist view of law and then to break a specific law with the intention of creating public discussion about the justice or injustice of the law. The hope here is that public pressure will force a change in the positive law.
22. See PR. #3, Remark. cf. Hegel's remarks on English common law, PR. #211, Remark.
23. See Aristotle, Nicomachean Ethics, 1137 a 30 - 1138 a 5.
24. This does not conflict with the formula whereby freedom is the concept which underlies all of objective life. The free, rational life, in Hegel's view, requires a reasonable degree of material

welfare. This idea is clearly Aristotelian and conflicts with certain Stoic and Romantic notions of freedom. Therefore, civil society, as one moment in the whole, can be regarded as informed by material welfare which is itself one moment in the whole. This demonstrates Hegel's intention, often misunderstood, to develop a pluralistic view of objective life, i.e. to preserve some measure of autonomy in principle for the various institutions of the public realm.

25. See Knox's note on this term in his "translator's notes" to the Philosophy of Right, p. 360, note 83.
26. See PR. #244 and, especially, Hegel's "addition" to this paragraph.
27. See Shlomo Avineri, "Labor, Alienation, and Social Classes in Hegel's Realphilosophie" as well as the comment on this article by Otto Pöggeler in the Legacy of Hegel; Proceedings of the Marquette Hegel Symposium 1970 (The Hague, 1973), pp. 196-220.
28. The standard work is Otto Gierke, op.cit. Section 18. cf. G. Heiman, "The Sources and Significance of Hegel's Corporate Doctrine", in Pelczynski (ed.) op. cit., pp. 111-136. Heiman correctly identifies the mediating role of the corporations. He treats this in terms of the harsh division between private and public law dating back to Roman law and sees this division reflected in the modern philosophical opposition between individual and society. I agree with all of this. My focus, however, leads me to treat this division in the more abstract terms of universal and particular, or objective and subjective.
29. See PhG. pp. 330-342; PhM.pp. 483-499. cf. Judith Shklar, "Hegel's Phenomenology: an Elegy for Hellas" in Pelczynski, (ed.) op.cit. pp. 73-90.

30. PR. #258, Remark. Hegel here refers briefly to his famous argument that the French Revolution represents the political practice which follows upon Rousseau's theoretical principles, even though the "terror" would have been abhorrent to Rousseau himself. The main discussion of this point is in the PhG. pp. 413-423; PhM. pp. 599-610.
31. Z.A. Pelczynski makes this point in his essay "The Hegelian Conception of the State" in Pelczynski, op.cit. pp. 1-30. He does not, however, treat the question historically and I think this makes the question of the relation of ethics (seen in terms of freedom and self-consciousness) and politics more problematic than if the two are treated together in terms of an historical dialectic.
32. Hegel was uncharacteristically generous to Montesquieu in acknowledging his intellectual debts. See e.g. PR. #273, Remark.
33. See PR. #276-278.
34. This, of course, is reminiscent of Aristotle who always maintained that the whole is logically prior to its parts although, in questions concerning matters of political development it may arise temporally after its parts have appeared.
35. My discussion of the role of the monarch is based on PR. #281-286.
36. I am using "public sphere" in the sense described by J. Habermas in his works. I do not wish to engage in a long analysis of this concept nor to point out my differences from Habermas' treatment. I do believe the term is useful to indicate a level of mediation between private, economic interest and the interests of the state as a whole, a level which is not organized officially and yet

exhibits its own dynamic structure. See J. Habermas, Strukturwandel der Oeffentlichkeit (Neuwied, 1968). There exists an English translation of an encyclopaedia article written by Habermas which summarizes his views, "The Public Sphere", New German Critique (Boston, 1974).

37. See S. Avineri, Hegel's Theory of the Modern State (Cambridge, 1972). Also D. P. Verene, "Hegel's Account of War", Pelczynski (ed.), op. cit. pp. 168-181.

CHAPTER EIGHT

AN EVALUATION

In the first seven chapters of this thesis I have been concerned primarily with the exposition of Hegel's mature political philosophy as contained in the Philosophy of Right. For the most part I have suspended criticism of Hegel, although I realize the risks involved in such a procedure. Although I am sympathetic to Hegel's approach to political philosophy I believe it contains serious problems - problems which Hegel never resolved. In this concluding chapter I shall address myself to those problems.

Before embarking on this critical analysis I would like to make a few brief, general remarks. I believe that Hegel's political philosophy marks perhaps the single most profound attempt to develop a philosophy of the modern nation-state. When I use the term "modern" in this context I am relying implicitly on Hegel's understanding of the term. Indeed, it is the philosophy of Hegel which has been so important in formulating our concept of modernity. Without wishing to recapitulate the Philosophy of Right I think it is important to review some of the major themes which have dominated modern political history and, in consequence, modern political philosophy.

I do not think it would be misleading to group most of these important themes together under the general demand for a legal system which secures the rights of the individual both with respect to other individuals and to the social and political institutions of public life. The demand for personal rights is articulated into an entire system of demands which, taken together, constitute the modern concept of freedom. Thus we talk of the right to worship as we please, to speak freely, to assemble freely, to a reasonable standard of health and welfare.

Despite the fact that the modern concept of the rights of the individual may often be more honoured in the breach than the observance, we cannot deny its force in the political movements of the modern age. Similarly, the translation of the concept of rights into practice is often the subject of heated controversy, even in nations where there is a long-standing tradition of observance of individual rights. These rights, whatever their specific details, must be regarded as rights predicated of all men qua men if they are not be regarded merely as privileges. In summary, it is the problem of the rights of the individual, conceived in the broadest possible terms, which has dominated modern political thought and action.¹

Hegel clearly understood the importance of this fundamentally modern issue. Not only is this reflected in the very title of his major political work, but that work itself begins with an examination of the concept of personal rights. But Hegel pushes his analysis much further than any other political philosopher. He unites all the different notions about personal rights into one universal demand, viz. the right to live a free life. The universal demand provides the perspective from which he can examine specific claims about the nature of right and determine whether they advance the cause of human freedom or undermine it despite their good intentions. I have examined Hegel's procedure in some detail and, I hope, demonstrated the way in which he attempts to establish a coherent philosophy of human freedom.

The concept of individual right is grounded on the idea of an independant, rational individual. Hegel's analysis of the "atomistic" individual demonstrates the inadequacy of this starting point, since any subsequent attempts to develop a coherent political philosophy remain trapped within the limits of atomistic individualism. We know from his

earliest writings that Hegel was consistently opposed to the social fragmentation which resulted from unrestrained individualism. In his youth the German Romantic movement was marked by a yearning for a renewal of the spiritual community, and the young Hegel shared many of the Romantic aspirations. The usual touchstone of political Romanticism was the ancient Greek polis, with its explicit ideals of the substantive ethical community. Unlike his contemporaries, however, Hegel soon recognized the illusory nature of such musings.² The task for modern philosophy, as Hegel conceived it, was not to point to some long-passed ideal but rather to examine coolly the realities of the present age. When Hegel finally reaches the stage of Ethical Life in the Philosophy of Right he does so as a result of a rigorous examination of individualistic philosophies of freedom. The ethical community is not merely posited in opposition to alternative concepts of freedom; rather it emerges as the completion of the quest first begun by those alternatives.

The analysis of individualistic philosophies of human freedom is one of Hegel's greatest achievements. So much of the criticism of Hegel is based on a fundamental misreading of what he actually does in the Philosophy of Right. To focus on Hegel's discussion of the state and then to abstract out of that discussion some of his more hyperbolic statements about the majesty or power or divinity of the state is to do Hegel less than justice. I believe that my approach to Hegel's political philosophy avoids the errors inherent in such an approach. I believe that Hegel's critical analysis of atomistic or abstract individualism is correct in its general outlines. Further, I think Hegel consistently sticks to his stated intention of explicating a coherent philosophy of human freedom and that the demand for this coherency justifies his analysis of the rational community as the true locus of human freedom.

if Hegel is "anti-liberal" it is because his analysis of the pre-suppositions of liberalism (understood in its classical sense) demonstrates that the developed political philosophy of liberalism is inadequate to its stated claim to be a philosophy of human freedom. Finally, a careful reading of what Hegel actually says reveals that, even in his description of the constitutional powers of the rational state, he is very far from being a philosopher of political authoritarianism, much less of fascism or totalitarianism.

Despite his great achievements, I believe Hegel ultimately fails to accomplish the task he set himself. His failure results more from the general thrust of his analysis than from specific defects although there are many contentious points in the Philosophy of Right. For example, a Locke scholar might argue that Hegel's analysis of contract theory does not really apply to Locke's notion of a fiduciary trust. Even if it could be shown to apply to Locke the portrait of contract theory is, it might be argued, little more than a caricature. Arguments such as this could occur over almost every paragraph of the Philosophy of Right. If I have not taken sufficient account of the possible objections to Hegel on every point then I can only offer the excuse that my primary objective was to explicate Hegel's rather dense and compact text. To have played the devil's advocate would have added greatly to what is already a long thesis. I must also add that possible counter-arguments to Hegel were considered by me and, after considering them, I still believe that Hegel's main points are correct in their essential features - at least with respect to his sections on Abstract Right and Morality.

The correctness of Hegel's analysis of Ethical Life, however,

is far more dubious. One immediately thinks of his tortured "deduction" of constitutional monarchy, of an upper legislative house constituted by heredity alone, and primogeniture. Hegel is not saved by referring to modern constitutional monarchies which are some of the most stable and mature political orders of our age. Hegel manifestly fails to demonstrate clearly the logical reasons for this historical fact, although he may be admired for identifying constitutional monarchy as a potentially stable form of government. Further, the style of monarchy which Hegel advocates can be seen to bear little relation to the constitutional monarchies of the present, although that view may be unfair to Hegel.

More disastrous for Hegel, however, is his portrayal of the rational state as a sphere of harmonized interests smoothly working together in an atmosphere of mutual trust and respect. To accomplish this end Hegel erects a hierarchy of corporations, public authorities, political institutions, a civil service and so on, all intended to curb the anarchy of unrestrained pursuit of personal wealth. But that entire edifice is based on his naive analysis of classes in civil society, an analysis which is most charitably described as wishful thinking. In particular, his grouping together of capitalists and industrial workers in one class is farfetched. We need not subscribe to the Marxist analysis of classes and class warfare to accept a very real division of interest between those two major industrial groups. Nor can we simply adapt Hegel's analysis to incorporate the view of a class division between capitalist and worker in an effort to retain the rest of the mediating structure. Hegel's notion of harmony within corporations requires a prior harmony between the capitalists and workers within an industry which together constitute a corporation. In turn, the elected representative of a corporation must, if he is to fulfil Hegel's

expectations, represent fairly the interests of all the members of his corporation. Ultimately the lower house of the legislature must seek to harmonize the interests of the various corporations of civil society. This possibility is greatly enhanced by Hegel's neglect of perhaps the most important division within civil society, viz. that between capitalists and workers. Indeed Hegel does not even address this problem since he abolishes it by means of his definition of classes according to economic sector rather than relation to the means of production. We might also add here Hegel's naive assessment of the "classlessness" of the rational bureaucrat. Although he admits that civil servants will be drawn primarily from the middle class (a new term since, heretofore, we have not met with a "middle class" in civil society) nevertheless he feels that their training and the demands of their job will ensure the even-handedness and universality which demonstrates their freedom from any particular class bias. This is only possible if we accept Hegel's prior definition of class and class interest since he ignores questions of class conflict over the distribution of wealth.

There are other points in Hegel's analysis which are equally suspect. I certainly would not want to argue that the general thrust of Hegel's discussion of Ethical Life can withstand such detailed criticism. Nevertheless, I do not wish to engage in this type of point-by-point critical enterprise. Hegel's masking of the very real divisions of modern bourgeois society is well known and documented. To date, perhaps the most imposing and influential detailed criticism of Hegel is Karl Marx's Critique of Hegel's 'Philosophy of Right', written in 1843. I agree with many of the arguments Marx raises against Hegel, and I have no desire to reproduce those arguments here. Further, Marx's critique has generated a huge secondary literature which analyzes Marx's critique

both in terms of Hegel's political theory and in terms of its role in the development of Marx's own thought. I do not wish to add to this literature.

There is one point, however, which I would like to raise in connection with Marx's critique. I believe Marx is very successful in revealing the contortions which Hegel undergoes in order to "deduce" some of his more obviously dubious points. I also believe Marx is essentially correct in his wider claims that Hegel's rational state is an ideal construction which only serves to obfuscate the irrationality of the economic system. Finally, I agree in general with Marx's statement that Hegel correctly perceived the necessity of a strong, coercive centralized political state to maintain an essentially anarchic economic system. Those last two claims do not necessarily impute to Hegel any "bad faith" or self-conscious ideological mystification; despite Marx's vituperative language he always regarded Hegel as a genuine philosopher and never as a mere ideologue or apologist. Hegel, more than most, saw clearly the divisive elements of bourgeois economic activity; unlike Marx, however, he believed those elements could be controlled in a rational state without having to abolish the economic system itself.

Despite my general appreciation of Marx's critique I believe it fails to address itself to some of the most important and fundamental questions which arise from a close reading of the Philosophy of Right. Marx successfully explodes the universal claims of Hegel and demonstrates the overwhelmingly bourgeois bias of Hegel's state. From this analysis of Hegel's state it is but a short step for Marx to the searing condemnation of all coercive political authority as, ultimately, class-based. This second step is usually singled out as decisive in Marx's intellectual

development from radical democrat to communist revolutionary. I do not wish to attack Marx himself for what I think are serious defects in his analysis. Rather I wish to develop my own critique of Hegel's political theory. In doing so I will, by implication if not explicitly, criticize Marx's view of Hegel as well as his perception of the status of political theory in general. I have invoked Marx primarily to indicate the existence of a detailed critique of particular points in the Philosophy of Right and, thereby, avoid having to write such a critique myself. Secondly, I think Marx's critique is significant because, as I hope to show, it demonstrates the dangers of reading Hegel in a too narrow sense, viz. as the ultimate philosopher of bourgeois society. I believe that my own line of attack examines more fundamental problems - problems which continue to trouble political philosophy.

Let us begin with the most obvious weak point in Hegel's hierarchical chain of political forms, viz. his attempts to overcome the defects of civil society through explicitly rational political structures. Hegel, more than most of his contemporaries, recognized the profound challenge posed by bourgeois society to the traditional concerns of political theory. It was not merely that bourgeois society could unleash anarchic socially fragmenting forces; bourgeois political economy challenged directly the expressed goals of rational public political activity. Since its origins in classical Greek thought, political theory has been concerned with the idea of a unique public realm which could not be reduced to any other sphere, whether theological or otherwise. Challenges to this idea of a public realm were usually based on either contingent circumstances or rival concepts of the source of public authority, such as the church. But now, with bourgeois political economy,

the public realm is challenged by the economic sphere of material production. The political economists argue that the economic sphere has reached a stage of development where it could function most efficiently and beneficially if it is left alone by the public, political sphere.

We should not underestimate the seriousness of this challenge. Hegel, as I have noted before, was consistently attracted by the idea of a substantive public realm in which meaningful political discussion could be held and important political decisions affecting the community as a whole could be reached. Bourgeois political economists in Hegel's day did not argue that politicians should be replaced by economists, or anything else similarly trivial: they maintained that the traditional concerns of good government - great wealth for the nation as a whole as well as adequate material welfare for all its citizens - could be best achieved if the forces of a market economy were allowed to proceed unchecked by political activity. Public institutions should restrict their activities to the protection of the private property of individual citizens and to the protection of the nation as a whole from its external enemies. The economic sphere was considered substantive while the traditional political sphere became contingent on the existence of the enemies of private property within the nation and of foreign enemies outside it.

In opposition to the complex classical notion that man's highest capacity for rationality was actualized through participation in the public political life of the nation, the new bourgeois political economists posited the relatively simple idea that nationality was best expressed in the maximization of personal welfare in a free market

economy. Political activity is rational only to the extent that it serves and facilitates the smooth functioning of the market. This underlines the essentially modern view that politics is essentially subsidiary to economics. The ends of political activity except in times of crisis, are determined by the demands of economic prosperity, development, trade, and so forth.

We know that Hegel rejects this challenge to the public realm. We might, reasonably, ask why he does so. We know that he steadfastly refuses to indulge himself with Romantic yearnings for a bygone age. Is he merely trying to fuse certain Romantic notions about the classical age with the harsh realities of his own?

I think the answer to this question is best discovered by recalling the discussion of Kant's moral theory in Chapter 5 of the thesis. There I outlined Kant's analysis of material and formal principles of freedom and of heteronomous and autonomous modes of freedom which follow upon the prior distinction. I also pointed out that Hegel agreed with Kant's attack on material principles and heteronomous activity as inadequate to a true concept of freedom. Hegel's agreement on those points can be separated from his attack on Kant's concept of autonomous activity. Hegel's analysis of Ethical Life can be read as an attempt to supplant Kant's concept of autonomous activity with a more concrete concept. Hegel's entire philosophical system is directed against contingency. The Philosophy of Right sets out to describe the Idea of freedom as a rational necessity for all men. Like Kant, Hegel could not rest content with a notion of freedom which was contingent on subjective caprice and which differed from one person to another according to personal inclination.

It was precisely this idea of autonomy, of a rational objective freedom predicated equally of all rational men, that the new political economists challenged. They argued that freedom consists in allowing people to do as they wish within certain wide limits, such as respect for the private property of other persons. If a man wishes to be wealthy, and is capable of realizing his ambition, then it is no business of ours to dissuade him or otherwise prevent him from doing so. Equally, if a man chooses to live modestly, then we should allow him to do so. Relying on the empirical fact that most people choose to maximize their material welfare, they established the scientific study of economics. Thus they pointed to the heteronomous activity of the free market society as the true locus of freedom, and denied the possibility of establishing a positive and rationally obligating set of constraints which advance the cause of freedom. Bourgeois political economy, therefore, does not merely passively study economic life or describe a mode of activity which is egoistic and, hence, potentially in conflict with communal interests; rather it sets out, in very clear and comprehensible terms, a system of freedom grounded in the heteronomous activity of a free market society.

Hegel could not let such a challenge go unanswered. What is interesting is the way in which he tries to meet it. We have already seen how Hegel regards the political community as the locus of individual self-consciousness. We have also examined his analysis of individualistic theories and his efforts to demonstrate that even the most atomistic theories ultimately point to the necessity of a positively ordered, rational community. Despite this, however, he at no time even considers the possibility of overthrowing the bourgeois mode of economic activity

in favour of an economic system less antagonistic to explicitly public and communal concerns.

There are various possible explanations for why Hegel chose to follow the course that he did. One, which is perhaps most satisfying to modern commentators who have read Marx and yet retain sympathy for Hegel, is that Hegel did not point to an alternative economic system because he had no concrete examples before him of such a system. By implication, had Hegel the opportunity to investigate a "better" system he would have seized it. While there may be some truth to this view of Hegel resigning himself to an unsavoury "given", I think it ignores several important points. First, Hegel like so many of his generation, witnessed the genuinely liberating effects of the bourgeois revolution in Europe. The fetters of the old aristocratic social and political system were being shattered for all time. The general level of productivity was rising at an astounding rate. The "wealth of the nation" was increasing rapidly. (Of course, Hegel did not turn a blind eye to its defects, as we know from his section on the police.) Second, Hegel defends the principle of private property absolutely. He even sought, as we have seen, to ground it ontologically. In his defense, Hegel sought to protect private property and not unlimited wealth; the two can be distinguished.³ In short, I believe Hegel defends the bourgeois economic system because of what he sees to be its great merits rather than out of a sense of resignation.

Rather than call for its overthrow, Hegel seeks to "civilize" the new economic order. By means of the corporations and the indirect election of representatives of the business class (the quintessential class - capitalist and worker together - of bourgeois society) Hegel

hoped to educate the bourgeois beyond his own egoistic concerns to the wider concerns of the community as a whole. In this way he hoped to preserve the achievements of bourgeois economic activity while overcoming its obvious (to him) defects. But Hegel's attempt is, I believe, a failure.

Not only are the interests of the community wider than those of the individual bourgeois but also they are (for Hegel) different in kind. That is, Hegel sees the public political realm as a substantive ethical realm which differs in principle from the economic one.

"If the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interests of the individuals as such become the ultimate end of their association, and it follows that membership of the state is something optional. But the state's relation to the individual is quite different from this. Since the state is mind objectified, it is only as one of its members that the individual himself has objectivity, genuine individuality, and an ethical life. Unification pure and simple is the true content and aim of the individual, and the individual's destiny is the living of a universal life. His particular satisfaction, activity, and mode of conduct have this substantive and universally valid life as their starting point and their result."
(PR. No. 258, Remark.)

This supports my contention that Hegel intended to enforce a sharp distinction between the principles of civil society and the state. But his intention is never realized. The bourgeois becomes a corporation member because he realizes that it will, in the long run, further his own particular interests. He does not join because he desires the fellowship and quasi-spiritual community feeling of the corporation. If he finds such things and enjoys them, so much the better for him, but they are only of secondary importance. This is underlined by Hegel's electoral system. Elected representatives are elected precisely because they are

pledged to protect the interests of their corporation. A representative who neglects his corporation's interests will not remain a representative for long. What is especially fascinating here is that Hegel makes the elected representative more narrowly bourgeois than need be. Indirect elections through corporations ensure that representatives vote as corporation members only. Now, a corporation is founded because it serves the economic interests of its members. In other words, it is only as materialistic Homo Economicus that a man counts as a voter. Hegel does not consider the possibility that a man may have other interests which, on balance, outweigh his concern for his material welfare. A man's interest may be divided between his direct economic interests and his interest in education policy, town planning, art or something else which he considers more important to him than simple advancement of his material interests. Rather than educate the bourgeois beyond his narrow interests, indirect elections tie him even more closely to them than direct elections would.

Hegel here is guilty of the same error as that for which he faults Rousseau. He argues that Rousseau mistook what is "common" for what is genuinely universal in his concept of the general will.⁴ But here Hegel is doing the same thing. The lower legislative house enacts legislation after consideration of the differing points of view expressed by its members. But the members, as we have seen, represent explicitly bourgeois, materialistic interests. The political process does not produce a new set of values grounded on different principles; rather it produces a consensus among the representatives whose primary aim is the material welfare of the members of their respective corporations. When Hegel talks of how, in the legislature the particular is raised to the

universal he is, at best, self-deceived. There is no genuine universal in the sense described in the passage quoted above. The specific end of this state, except for times of national crisis, is precisely the "security and protection of property". The legislature seeks, to the extent possible, to protect the common interests of all its members.

Similarly, Hegel's invocation of the aristocratic upper house as a (universal) check on the activity of the lower house is ill-considered. The land-owning class does not represent more universal interests as such than the bourgeoisie. Hegel presents the two classes as being, somehow, on the same continuum from particular to universal, with the agricultural class a little further along towards universality. In truth, the land-owners have different interests, based on different principles than those which underlie the activity of the bourgeoisie. If Hegel wants to set them in some form of legislative opposition, that is fine. But he should do so on the grounds of protecting agricultural interests, and not on the pretense that the agricultural class in some ways has greater insight into the real, universal interests of the business class than the bourgeoisie themselves do. If, in fact, the agricultural class and the business class merely bring different perspectives on fundamentally similar issues, then Hegel would have been far wiser to include elected representatives of the agricultural class in the lower legislative house.

I believe it is important to understand Hegel's positive attitude towards the achievements of bourgeois society. But even if this belief is allowed to stand, it does not explain away the various contortions Hegel undergoes in his description of the state. I believe we must look further afield if we are to understand the disturbing features

of Hegel's analysis. In describing what I take to be the source of much of the confusion I will, by implication, deny the frequently raised charge that Hegel was merely attempting to rationalize an irrational system because it was politically expedient for him to do so. Not only do I think that there are sufficient examples in Hegel's work which successfully refute that charge⁵ but I also believe my interpretation is both more satisfactory and has wider consequences for political theory in general.

In the first chapter of the thesis I discussed Hegel's efforts to describe a complete and coherent system of knowledge. We can properly describe Absolute Knowledge as Hegel's attempt to close out the search for complete and coherent philosophical self-knowledge. The Hegelian wise man is completely self-conscious in Hegel's sense of the term. We also saw, in the chapter on history and Spirit, that Hegel believes it is possible to demonstrate the same order of development in the actual, historical world, viz. an end to the historical progress towards a rational state in which freedom is actualized.

Examination of Hegel's mature philosophical works indicates an incessant drive towards completeness; this is certainly true of the Philosophy of Right. When Hegel describes the state, in its widest possible ethical sense, as the Idea of freedom we must not ignore the tremendous implications of this statement. As with Absolute Knowledge, the Idea of freedom can tolerate no remainder, no "yes but...". Hegel means nothing less than that, in the rational state, freedom is actualized. Man has achieved his destiny which, historically, has always remained but a potentiality. In Ethical Life Hegel sets himself the task of describing the complete and coherent social and political order in which the concept of freedom is actualized as the living Idea of freedom.

I have frequently referred to Hegel's use of the logical concepts of universal, particular and individual. In his treatment of syllogistic reasoning Hegel treats the different forms of syllogism as more or less adequate attempts to grasp those three logical concepts concretely.⁶ In the Philosophy of Right those logical concepts find their expression in the political concepts of: 1) the state, government and positive law (universal); 2) the particular needs and capacities of the individuals within the community (particular); and 3) the free active will of the self-conscious, rational citizen (individual).⁷ The free, self-conscious rational citizen is the embodied unity of the two prior moments. We should not think of this in mechanical terms, since all three terms inter-relate and, in their truth, are seen to presuppose the others. The free citizen of a rational state is a differentiated totality, a unity in which difference find its place without either losing itself in an unmediated, abstract unity or destroying the mediated unity which is its ground.

The task of the philosopher, according to Hegel, is to penetrate the world of appearances and lay bare the ideal structure which is its ultimate truth. I have already discussed in an earlier chapter the relation between actual historical development and the revelation of the truth by philosophy. Hegel, therefore, seeks to reveal the rational truth which is contained in the historical present. He writes:

"The teaching of the concept, which is also history's inescapable lesson, is that it is only when actuality is mature that the ideal first appears over against the real and that the ideal apprehends this same real world in its substance and builds it up for itself into the shape of an intellectual realm."
(PR. Preface.)

It is through the labour of philosophy that the "ideal first appears".

Not only does Hegel maintain this but he also argues, as we have seen that his unique position within the history of the world (and of the history of Philosophy) allows him to bring the entire development of Spirit in history to completion. This is not due to a special act of will on Hegel's part but rather on a sober analysis of real history.

The "ideal" which lies within the reality of Western European civilization in the early 19th century is the completed Idea of freedom. Hegel, the philosopher who comprehends this in its absoluteness, reveals the ideal in his philosophical writings. If the idea is present in the real, and if it only awaits the revelation of its presence by the philosopher, then Hegel must do so without altering the basic political and cultural structures before him. The revelation of the ideal by the philosopher allows the audience for philosophy to view these real structures through new eyes. But the recognition of the ideal in the present does not alter the objective structure of the present; it only allows us to see that which is already present within it. It is the task of the philosopher to open our eyes to this latent presence. Hegel must demonstrate, within the political structures of his time, the presence of the completed Idea of freedom.

If freedom is properly predicated only of the concrete individual, then the Philosophy of Right presents the development from abstract conceptions of individuality to free individuality. Hegel's analysis of the problem of freedom⁸ points to the necessity of a rationally organized community if freedom is to be actualized. The famous master-slave dialectic in the Phenomenology is perhaps the most notable setting for this problem. The ultimate resolution of the problem examined in the master-slave dialectic consists in the

philosophical statement that the freedom of the self is only possible in and through the explicit recognition of the self as free by an "other" who is recognized by the self as free. The full consequence of this dialectic is that true freedom is only possible in a rationally organized community of free men. To be truly free, man must be a citizen of a rational community in which all men are free.

Against this background it is all the more surprising to follow Hegel's actual procedure in the Philosophy of Right. He presents the state as the final unity of universal, particular and individual. But each of those concepts is represented by a constitutionally secured political institution. Universality, particularity and individuality no longer are embodied in the forms we have examined in the Philosophy of Right; they now exist only as specific political institutions.

We can understand this "switch" better if we examine Hegel's analysis of monarchy. I have already expressed my dismay over Hegel's clumsiness on this subject. But there is a very significant consequence of Hegel's discussion of monarchy. Throughout the Philosophy of Right genuine individuality points towards the concept of the free citizen. But in his section on the state, Hegel describes the monarch as the true individual, the living embodiment of the rationality of the political community. Individuality is no longer predicated of the free citizen but of the monarch. If freedom is properly predicated only of concrete individuality, then the monarch alone is free. The idea of the free citizen has been supplanted by the idea of the monarch embodying in his majesty the political freedom of the state.

The citizen of Hegel's state is not, in and for himself, free. True freedom exists only in the majesty of the monarch. But this renders

impossible the mutual recognition among self-conscious free men which Hegel advances as the resolution to the problem posed in the master-slave dialectic. Indeed, in a subtle way, it brings us back to the problem of the relation of master and slave. The citizen is not a concrete individual, a free man; rather he looks to the monarch as the true individual, as the living embodiment of his (the citizen's) potential or implicit freedom. As in the example of the slave, the citizen must look beyond himself to an "other" (the monarch, the master) to discover the freedom which ought to be his.

Three possible ways out of this problem may be advanced by Hegel's defenders. The first is that the monarch only represents individuality; that is, he is only a figure-head for the true individuality of his citizens. I do not think this explanation will work. In the discussion of sovereignty I raised the ambivalence inherent in Hegel's treatment of the monarch as both the representative of political sovereignty and its substantial embodiment. At best, I think we can agree that the same ambivalence is present in his description of the monarch as living individuality. Even if we grant that the monarch only represents individuality it still does not let Hegel off the hook. We still have the right to demand why such representation is necessary. If all the citizens are themselves embodiments of concrete individuality, then it is difficult to see why they would need to have this individuality represented for them in an other (the monarch). Since individuality, as the unity of universal and particular, presupposes self-consciousness, then the self-conscious citizen who knows himself to be free does not require his freedom to be represented for him. Such representation in no way enhances his sense of freedom and, indeed, may plausibly be

regarded as offensive to it.

The second line of defense could argue that the political constitution - the monarch, the executive and the legislature - together embody the universal moment in the totality of Ethical Life. The monarch, therefore, embodies only the integrity of this differentiated universal. This might appear to gain support from Hegel's contention that each term in his logic - universal, particular and individual - contains within itself the other two. I do not think this defense works either. If the political institutions of the state taken together only constitute the moment of universality, then we must look for a similarly developed moment of particularity as its opposite moment. This is nowhere to be found. It could, perhaps, be argued that civil society is the moment of particularity, since Hegel frequently refers to it as the sphere of particularity. But in our discussion of civil society we saw that the dialectic of civil society points beyond itself precisely because it is unstable. The unity of the state - embodied in the individuality of the monarch - is a stable one; there is no corresponding stability in civil society. If the monarch represents the unity of the universality (limited) of the executive and the particularity (limited) of the legislature, then a similar unity must be present in civil society if the argument is to work. The most universal moment in civil society is the corporation, although this is only a posited universality. The moment of particularity is the single bourgeois. The member of the corporation is the only possible individual of civil society who mediates the two antecedent moments, thereby embodying the integrity of civil society (as the moment of particularity within the whole).

The notion of the corporation member as the mediated unity of

the antecedent moments of universal and particular is unsatisfying. In the state the monarch is a distinct moment and is not reducible to either the executive (universal) or the legislature (particular). In contrast, the corporation member is reducible to the single bourgeois. As I pointed out earlier, membership in the corporation does not entail the abandonment of particular interests; rather it demonstrates the fact that the bourgeois must join a corporation if his particular interests are to be satisfied. What is abandoned is his former reliance on himself as the sole agent necessary for the realization of his own particular interests. He now realizes he must join the corporation to be successful, even if that entails a partial alteration and modification of some of his particular needs and interests. (In this sense, Hegel's corporations accord more closely with the tenets of liberal contract theory than does the state.) For that reason, it is not really possible to regard the corporation member as a distinct third moment (individuality) in civil society. Also, that notion of individuality ignores completely the other two classes of civil society. While Hegel states each class has its own moment of universality the universal content of each class is different: 1) the posited universality of the corporation (business class); 2) the immediate universality of the family and the rhythms of nature (agricultural class); 3) the explicit universality of the aims of the state (class of civil servants). The other two classes similar to the business class, must be capable of producing persons who, like the corporation member, embody the individuality of their respective classes. Hence we get three different embodiments of individuality in civil society ranged against the single embodiment of individuality in the state - the monarch. If the free, self-conscious citizen is the

ultimate unity of the two antecedent moments of state and civil society, must we then accept the notion that there are three distinct kinds of rational and free citizen, corresponding to the three distinct individuals of civil society? I believe this conclusion is inconsistent with the principles which Hegel defends throughout his mature philosophical works. The attempt to save Hegel by this argument raises more problems than it resolves.

Finally, there is no third stage beyond the state in the Philosophy of Right which embodies the unity of the two prior moments - universality (the state) and particularity (civil society). Such a moment - the moment of genuine individuality - would be necessary if the argument presented here in Hegel's defense were to stand.

The third line of defense argues that the state is the mediated unity of its two antecedent moments - the family and civil society - and that unity is embodied in the person of the monarch. The family (universal) and civil society (particular) are both raised to a higher level in the state which is their unity. In the state universality and particularity appear in the form of the executive and the legislature respectively. This explanation, however, amounts to sleight-of-hand. The two antecedent moments, if we are to regard them as somehow transformed in the state, must retain some connection to their new political form. The family as an immediately universal institution is the central point in Hegel's discussion of the family, while the bourgeois is the central point in Hegel's discussion of civil society. When we turn to the state we see that both antecedent moments are represented - albeit in a different form - in the one institution of the legislature; the interests most closely connected to the immediate universality of the family are

represented by the hereditary peers of the upper house, while the interests of the bourgeois are represented by the indirectly elected representatives of the corporations. The executive - although composed of members of the universal (civil service) class first introduced in civil society - in truth comes from out of nowhere. Hegel introduces the universal class in civil society, but it is not really of civil society and cannot be regarded as representing in a new form interests which were first introduced in the family or civil society.

Further, in the family and civil society true individuality (free, rational self-consciousness) is impossible because of the abstractness of each stage. The child can only escape the abstract universality of the family when it becomes an adult with particular needs and interests. The bourgeois only moves beyond abstract particularity when he realizes that there is no necessary conflict between his particular material welfare and the material welfare of other members of the community. The family member and the bourgeois each develops towards greater self-consciousness but cannot become fully self-conscious (a rational and free individual) within the limits imposed by the concept of the family and civil society. When we turn to the state, however, the "incomplete" family member or bourgeois has disappeared; there is no longer a (limited) individual actor whose progress to complete self-consciousness and freedom we can follow. Instead, the only individual is the monarch. The attempt to save Hegel by describing the state as the mediated unity of the family and civil society fails because the actors in the antecedent stages have disappeared and only the monarch is left at the end. We are back to the original problematic which the three "lines of defense" were to resolve.

It is possible to argue that Hegel is simply careless about individuality and that had he reconsidered the problem of individuality more carefully he would have treated it quite differently. I think this is misleading. It credits Hegel with sufficient insight to grasp that the logical conclusion of his analysis was the radical reform (at least) of the political institutions of his time. I do not think Hegel, by temperament as well as by philosophical conviction, would have been able to do such a thing. It conflicts with his adamant statements that philosophy has no prescriptive role to play in human affairs.⁹ It also denies Hegel the opportunity to complete the history of political philosophy, of bringing to a close the historical project to discover the final, rational state. To prescribe for the future is to step outside the realm of necessity into the world of what "ought-to-be".

I have argued that Hegel's analysis of the monarch as individual has more profound implications for his political theory than is suggested by the usual treatment of it as either an unfortunate lapse or a sign of his conservative, ideological bias. If Hegel had not attempted to treat the monarch as the embodiment of true individuality while still pursuing his efforts for "systematic closure" he would have been forced to discover an alternative locus of individuality. Repeatedly I have argued, in the previous chapters of this thesis, that the proper embodiment of concept of individuality is the free citizen of the rational state. I believe Hegel's analysis throughout the Philosophy of Right points in this direction. His failure to provide a satisfactory description of the complete individual owes more, I believe, to the nature of the division he was trying to overcome than to any particular bias or defect in his philosophy. Civil society and the

state - on Hegel's own analysis - embody rival conceptions of freedom. Marx's statement that Hegel wants every man to be both bourgeois and citoyen may also be read as a statement that heteronomous and autonomous principles of freedom can never be satisfactorily reconciled. The two concepts are not complementary; they are inalterably opposed. Hegel sought to reconcile them by making the former a moment in the actualization of the latter; that is, he makes civil society a moment in the actualization of the state. Hegel's critique of Kant may be accurate and judicious, but it is also possible that Kant, for all his "errors", saw more clearly into the nature of the conflict between opposed principles of freedom.

Kant, however, saw the conflict as primarily a moral one. Each man, within himself, struggles to control his passion by his reason. Hegel tries to widen the problem by treating it in social and political terms. I think he was essentially correct to do so because, as Hegel demonstrates, Kant's analysis ultimately regresses to a social and political foundation with a determinate (and unexamined) content. Kant's analysis owes much of its power to the existence of a social and political order in which heteronomous principles are not only pursued but are encouraged. That is, material acquisition has been freed from many of its traditional ethical and religious constraints and is firmly established as a legitimate principle of the social and political order. Kant's ethical philosophy presupposes, I believe, the modern "liberation" of material acquisition from religious and other controls.

By transforming Kant's moral dilemma into a political one, Hegel may have opened up the possibility of its resolution. If heteronomous activity is opposed to rational, autonomous freedom then

the overcoming of this dichotomy requires a social and political order which banishes heteronomy as a legitimate principle of activity. The implication of this is clear; if bourgeois society enshrines heteronomous principles then the bourgeois mode of economic production must be substantially altered or overthrown as a first step to actualizing autonomous freedom. Although Hegel himself never advanced so radical a proposition, it is one possible consequence of the analysis of the social and political world which he initiated. It is to Karl Marx that we must turn if we wish to discover a full development of this line of thought which is only suggested by a close reading of Hegel.

I would like to discuss another set of problems which arises out of my discussion of the Philosophy of Right. The discussion of individuality in this chapter of the thesis has focused on Hegel's inability to point to the citizen as the embodiment of individuality, and his concomitant shift from the citizen to the monarch as the rational, free individual. I would now like to look at this problem from a different angle, one which I believe raises issues of wide concern to modern political philosophy in general.

In the first chapter of the thesis I discussed Hegel's analysis of finite and infinite thought. To be finite was to be bounded by a limit imposed from without. The only thing which could escape such limits was the "thought which thinks itself", which has itself as its own object. Hegel, contrasting the infinite of his own philosophical system with the finitude of other systems, writes:

"Thought, as thought, therefore in its unmixed nature involves no limits; it is finite only when it keeps to limited categories which it believes to be ultimate. Infinite or speculative thought, on the contrary, while it no

less defines, does in the very act of limiting and defining make that defect vanish."
(Enc. No. 28.)

An example of the distinction between finite and infinite modes of thought is Hegel's analysis of universal, particular and individual. Viewed abstractly as "self-identical" concepts, each is finite or bounded by the other concepts. But Hegel's analysis demonstrates their dynamic relationship and overcomes the external limits imposed upon each concept by finite modes of philosophical thought.

Individuality, for example, is the concrete unity of universality and particularity and is, therefore, not limited in an external way by either. The "logic of the understanding", separates these three concepts and oppose them to each other; on Hegel's analysis, however, each contains within itself the other concepts which are constitutive of its essential nature. The concept of infinite individuality contains within itself the concepts of universality and particularity and they are essential to its integrity as a concept of philosophic thought. This way of thinking Hegel regards as his major contribution to the history of philosophy. Indeed, it is his philosophical comprehension of the nature of philosophical thought which allows Hegel to regard his philosophical system as the completion of the history of philosophy.

The discussion of the concept of infinite individuality has been restricted to its role as a category of Hegel's logic. As we know, Hegel is not content to treat logical categories as simply formal rules of thought; he intends his Logic to be read as a work on ontology, in which the categories of the Logic provide the ontological structure for the complete knowledge by man of himself and the world. In Chapter Two

of the thesis I described the relation between the categories of the Logic and the examination of the natural and human worlds which succeed the Logic within Hegel's Encyclopaedia. It follows from this that Hegel's analysis of individuality must point to its embodiment in the actual human (non-natural) world. If this is not the case then the categories of the Logic are abstract and formal and cannot be regarded as providing the ontological structure of the actual human world. I hope that, by now, I have provided sufficient evidence to support my view that Hegel would have regarded this conclusion as unacceptable.

Where does this analysis of individuality lead us? Briefly, if the logical analysis of the dialectical concept of individuality demonstrates its infinitude, then the actualization of individuality in the world must be equally infinite. If this is not the case then infinite individuality must always remain a conceptual possibility only. The analysis of the Philosophy of Right points to the self-conscious citizen of the rational state as the concrete embodiment of infinite individuality. The self-conscious citizen - the actual individual - knows himself as rational and free and knows that his rationality and freedom is nothing other than the concrete unity of universal (the institutions and laws of the state) and particular (his own particular needs, capacities, desires).

But this is precisely the point where Hegel's analysis founders. The citizen of his rational state does not have such a highly developed self-consciousness. He does not know himself as the concrete embodiment of the philosophical concept of individuality. He appears to himself in a much more limited way. This is particularly true with respect to the role he fulfils in civil society. Hegel acknowledges as much when

he posits mediating institutions such as the corporations which attempt to widen the perspective of the members of civil society. While those institutions may accomplish this end, they do not transform the bourgeois into the rational and completely self-conscious citizen. We could argue, in a manner not unlike that employed by Hegel against Kant's concept of the holy will, that if they did achieve such a result their usefulness as mediating institutions would end and they would simply wither away. That is, the corporations are introduced as an institutional check on the excessive particularity of civil society; the fully self-conscious individual (the citizen) requires no such check since it is a presupposition of his infinite individuality that particularity has received its due and nothing more and, further, that he knows this as a presupposition of his own freedom and rationality. Finally, the discussion of monarchy earlier in this chapter applies equally to the question of finite and infinite here; the monarch becomes the locus of individuality because the citizen remains trapped within the finitude of his experience.

Thus we see that in his philosophical exposition of the rational social and political community Hegel is unable to provide an adequate resolution of the problems he has brought to our attention. Rational, autonomous freedom is properly predicated only of the individual. Individuality, in turn, is in its most developed (complete) form an infinite logical category. In the social and political world the only satisfactory locus of individuality is the self-conscious citizen. But the citizen is incapable of the degree of self-consciousness necessary for the actualization of infinite individuality. The only conclusion which can be drawn from all this is that rational, autonomous freedom -

as Hegel develops the concept - is incapable of actualization.

It might be objected that I am pushing Hegel much too hard on this point. In the Encyclopaedia he does, after all, state that "Objective Mind" is the sphere of finite spirit. In this same passage he characterizes finitude as a "reality that is not adequate to its concept" and contrasts this with the contention that it is "only in mind that we find absolute unity of Concept and reality, and hence true infinitude". (Enc. No. 386 and Remark). I do not think this saves Hegel: in fact, I shall argue that it only heightens the ambiguity in his approach to political theory.

Hegel unequivocally argues that the state is "the actuality of the ethical Idea". (PR. No. 257). We know that the Idea for Hegel signifies the actualization of the Concept. In other words, the Idea describes that moment when the reality of a thing is adequate to its concept. From the passage quoted above we can infer that the Idea is, therefore, infinite. In his introduction of the section on the state Hegel certainly does not suggest that the Idea could be thought of as anything less than infinite, describing it as a "substantial unity", an "unmoved end in itself", and a "final end" (PR. No. 258 and Remark). But he also describes "Objective Mind" - which corresponds to the territory covered in the Philosophy of Right - as a sphere of finitude. We are, therefore, in the position of having to accept that the state (finite) is the actuality of the ethical Idea (infinite). Clearly Hegel is in some difficulty here.

This is further complicated by Hegel's claim that the state (the ethical Idea) exists "...mediately in individual self-consciousness, knowledge and activity, while self-consciousness in virtue of its

sentiment towards the state finds in the state, as its essence and the end and product of its activity, its substantive freedom." (PR. No. 257). This accords well with what I have consistently argued concerning the direction of Hegel's argument; the Idea exists only in individual self-consciousness while self-consciousness itself can be complete only within a rational state. But now we must demand of Hegel; who is this individual who is self-conscious? We know on Hegel's own account that it cannot be the individual citizen, since the citizen is so trapped within finitude that he cannot participate directly in the political life of the state. It could be the monarch but that is unsatisfactory, not least because it reproduces in a subtle form the dialectic of the master and the slave. There is one other possibility, viz. the individual self-consciousness of the absolutely wise philosopher.

This is suggested by the structure of the Encyclopaedia of the Philosophical Sciences. "Objective Mind" is succeeded by "Absolute Mind". "Absolute Mind" reaches its highest development in philosophy. It is in the thought of the philosopher that the absolute structure of human knowledge is revealed. Clearly, the philosophical comprehension of the social and political world is part of this structure. But this comprehension is the achievement of the philosopher. Adapting Hegel's own terms we can describe the Idea of freedom, the truth of the political world, as existing for the philosopher and not for the citizens of that world. We are, therefore, presented with a rather curious paradox. The Idea of freedom is actualized in the rational, ethical state. The Idea finds its existence only in the "self-consciousness, knowledge and activity" of the rational individual. But this individual is not the ordinary citizen of the rational state;

rather it is the absolutely wise self-conscious philosopher who is alone capable of having the Idea as his object, of knowing the Idea as the actualized unity of rational political reality and philosophical concept. The Idea of freedom - initially identified with the "coming-to-be" of the rational state-finds its true existence only in a realm of experience which lies beyond the state, viz. the thought of the absolutely wise philosopher.

Once again, it is possible to object that I am pushing Hegel too hard on this point. On analogy with the philosophical scheme of the Phenomenology of Mind, it could be argued that the self-conscious recognition of the Idea of freedom need not be universal. In the Phenomenology, the absolute structure of knowledge which Hegel calls Absolute Knowledge is the proper object of the philosopher alone. Even if that structure is completely grasped by only one philosopher (Hegel) it does not alter the absolute status of this knowledge. Similarly, in the Philosophy of Right the Idea of freedom need only be comprehended by the self-conscious philosopher (Hegel again) if its status as Idea is to be secured. In other words, the non-philosophical citizens of the rational state need not attain the level of self-consciousness evidenced in the thought of the philosopher as a precondition of the actualization of the concept of freedom as Idea. The recognition that political reality is finally adequate to the concept of freedom can, it is argued, legitimately be restricted to the self-conscious philosopher.

I do not think this argument works, and its failure can be demonstrated by referring back to the Phenomenology. In the opening chapter of the thesis I argued that Absolute Knowledge was equivalent to a self-conscious knowledge of the complete and coherent structure

of knowledge. Within this structure, specific modes of knowledge - such as scientific, moral, political, religious modes - receive their due. Hegel does not try, for example, to supplant scientific knowledge; rather he demonstrates its limits, argues that it cannot go beyond those limits and yet, within those limits it can continue to carry out its investigation of the physical and natural worlds. Absolute knowledge does not attempt to either replace science or to provide it with "proper" answers to its genuine inquiries. I believe this is a valid distinction. The philosopher may set the philosophical limits to specific forms of inquiry (for example, demonstrate why the methods of natural science are inappropriate to the investigation of moral problems); he oversteps his boundary, however, when he tries to provide the answers to questions appropriately asked within specific forms (for example, to dictate to physics the "proper" answers to questions raised in the course of the investigation of the physical world).

For the most part Hegel demonstrates, at least implicitly, his respect for this distinction. Even though he attempts to arrange the different modes of knowledge into one complete and coherent structure, his attempt does not, as such, contravene the distinction I have made. At those places in the Phenomenology where he does appear to ignore the distinction it is usually because he feels that philosophy can shed some light on the matter. I believe his treatment of religion, for example, maintains that the questions raised by religion are ultimately seen to be best answered by philosophy. But this is because Hegel argues that religion asks questions about man and his relation to the world and to the absolute which are best dealt with by philosophy. For those capable of doing so, philosophical speculation is a higher

form of inquiry than religion. For those unable to do so, religion provides the answers at a level suitable to their stage of self-consciousness, although it must be acknowledged that those answers are less complete than those discovered through philosophical reflection. In other words, although Absolute Knowledge in the Phenomenology may be infinite in Hegel's sense of the term, with respect to the specific activity appropriate to specific modes of knowledge the infinite structure of Absolute Knowledge must remain formal.

This is precisely where Hegel makes his mistake in the Philosophy of Right. The philosopher may be competent to describe the place which political knowledge occupies within the hierarchic structure of knowledge. He may be able to establish the proper limits of political enquiry and to describe its proper subject matter. He may bring his critical skills to bear on specific political theories and demonstrate their inadequacies (as Hegel does in Abstract Right and Morality). His learning and skill may shed a great deal of light on specific political problems and may point the way forward towards their solution. But he cannot provide the final and complete set of answers to all the questions raised by political enquiry.

I believe I can justify this claim on the basis of Hegel's own description of political reality. The only satisfactory "completion" or "end" to political development is that historical stage at which freedom is actualized. On Hegel's own analysis, the only freedom which can be completely rational presupposes the unity of universal and particular within the "self-consciousness, knowledge and activity" of the individual. But the completely self-conscious individual can only be the philosopher. Hence if freedom is to be

actualized in the rational state, all citizens must be philosophers or exhibit the developed self-consciousness appropriate to the absolutely wise philosopher. I would argue that this condition can never be met. This is so not merely because philosophy is difficult and beyond the intellectual reach of most people, but also because the highly differentiated structure of modern society requires a degree of occupational specialization on the part of its citizenry which militates against the possibility of all citizens (at the very least) sitting down, reading, and digesting the absolute wisdom of philosophy.

Although it may not be possible a priori to demonstrate this absolutely, it is certainly possible to argue that Hegel did not demonstrate how this could come about. Indeed, he would have found the suggestion ludicrous,¹⁰ even though it is a consequence of his own attempt to describe a complete political world. Hegel applauds modern political philosophy because it seeks to describe freedom for all; his own philosophy forces us to abandon that search if we accept his analysis.

Further, if only the philosopher is capable of the required degree of self-consciousness then the Idea of freedom exists only for him. The philosopher alone is truly free. But the state still exists and its rational (for the philosopher) organization is necessary if political reality (the state) is to be adequate to the concept of freedom. The state, therefore, exists for the philosopher since it is the philosopher alone who is capable of the freedom which, Hegel claims, is the true end for the state. Equally, the citizens - each contributing in his own small way to the organization and welfare of the state as a whole - exist for the philosopher. The citizens are not truly free, but their labour does make possible the freedom of the philosopher.

This is clearly the opposite of what Hegel intends, and yet it follows from his analysis. Hegel's own analysis of the dialectic of master and slave provides the refutation of such a political system as a system of freedom. Also, if the citizens do not know themselves to be free, they may demand political changes in an effort to further their own ideas about freedom. Clearly, political change works against the interest of the philosopher, since the status quo provides him with the reality necessary for the actualization of his own freedom. Therefore, his freedom is either contingent on the political activities of the (ignorant) citizens or he forces the citizens to maintain the status quo. In the latter case, the philosopher becomes a tyrant.¹¹ This is, I believe, unacceptable to Hegel as a final resolution of the problems he has raised in the Philosophy of Right.

What, then, can be done if we are to save some of the most important points established in the Philosophy of Right without ending up in the impasse I have described above? If we reject Hegel's final resolution (the actualization of freedom in the rational state) as impossible, need we throw out all that has gone before? I believe the answer to this question is no. Indeed, I would argue that, implicit in Hegel's own analysis is a solution to the problem which is of great value for modern political theory. I believe that this can be brought out by reference to the work of Aristotle. In what follows, I shall make no effort to present a systematic analysis of Aristotle's political theory; I shall limit myself to a brief mention of some points in Aristotle's theory which shed light on Hegel's dilemma.

Aristotle always intended the Nicomachean Ethics and the Politics to be taken together as two distinct but inseparable treatments

of the same problem, viz. the good for man. The type of knowledge appropriate to the study of this problem and the ways to secure the good for man is called "practical wisdom" or phronesis by Aristotle. Practical wisdom is contrasted with both "productive wisdom" and "theoretical wisdom"; the former is concerned with the wisdom necessary for the making of things while the latter is concerned with the contemplative study of those things which cannot be otherwise than they are (the eternal objects of metaphysical inquiry).

We know that Aristotle's theory of natural right holds that there are standards of human conduct which are "right by nature". But the discovery of man of such standards in no way guarantees he will act according to them. Even if we accept that such "natural" standards exist, we may not know how to act appropriately in the real (and confusing) world. Practical wisdom, therefore, does not merely dangle standards of conduct before us as some eternal goal; rather, it is Aristotle's intention in the Ethics and Politics to describe the practical wisdom necessary for us to be good men, to live a life that is "right by nature". Practical wisdom is concerned with human practical (as opposed to productive and theoretical) activity which might not be what it ought to be.

In the Ethics Aristotle establishes that the true end of human activity is the happiness which is achieved in and through the life lived in accordance with virtue (practical and/or theoretical virtue).¹² The main subject of the Ethics is the practical wisdom necessary for the actualization of happiness. But Aristotle acknowledges that the discussion of the good for man in the Ethics is abstract. Every man, unless he be "a beast or a God", must live in a polis.

This is so not merely for reasons of utility (food, protection and so forth) but because, as discussed in the previous chapter of the thesis, Aristotle maintains that the polis exists by nature. The analysis of the Ethics is abstract because man as such is an abstraction. All men are citizens and, as such, are subject to the customs and positive laws of the polis in which they live.

Now, there may be some men who are so noble that they will choose to act virtuously regardless of the practical consequences. In a bad regime, virtuous activity may very well conflict with what is expected of a good citizen. For example, in the Ethics Aristotle argues that excessive wealth is not virtuous. In an oligarchy respect for, or at least obeisance to, men of great wealth is expected. The good man may choose to ignore such demands because it conflicts with his idea of virtuous conduct. He may, therefore, incur the enmity of the rulers of the oligarchy and be made to suffer for his virtue. But in such a case, the good and noble man does what he does not because he is, in some way, not a citizen of the oligarchy, but in spite of his citizenship. He is a good man precisely because he chooses not to be a good citizen. With most people, however, obedience to the customs and positive laws of the regime (whether good or bad) is relatively straightforward and almost automatic, whether from cowardice or ignorance is really a matter of indifference to most rulers.

In both cases - the self-consciously good man and the good citizen - the nature of the regime is important. In the former case, it is far better to lead an openly virtuous life in a good regime which promotes and protects good ends than to live in a regime which forces the good man to be "subversive". In the latter case, Aristotle argues,

it is far better to secure the good for many people than for just one. A good regime encourages its citizens to be virtuous and this educates them into the nobility of the life of virtue. In a sense, the better a regime, the greater the awareness of virtue on the part of its citizens.

But the Ethics does not merely provide abstract standards of conduct against which the achievements of specific poleis may be measured. In the Politics Aristotle ranks regimes from the best to the worst. Every regime is a substantive political community ordering the activities of its citizens. Aristotle is concerned to examine the internal logic of different forms of regime, not only with respect to the ends which they embody but also with respect to the possibilities which exist within each for meaningful political activity. The discussion in the Ethics certainly aids his classification and analysis of specific regimes, but Aristotle is a sufficiently realistic political thinker to admit that the ideals of the Ethics may have only limited application to actual regimes. Although a good man will always aim at doing the best he can, this "best" may, in certain regimes, appear woefully inadequate compared to the possibilities for virtuous action possible in a good regime. Rather than lapse into irony or the anguish of the "beautiful soul" Aristotle argues that the good man must still try to improve political conditions. Often this may appear to be little more than wholesale capitulation to degenerate rulers, but Aristotle is always concerned to demonstrate that improvement of the political order is at least possible, and is certainly worthy of the attentions of a good man.

In this way Aristotle constructs a complex picture of ethics

and politics. In the Ethics he describes the good for man, a good which is complete and self-subsistent. He also discusses the virtuous conduct necessary for the actualization of the good. Aristotle's discussion of conduct is remarkably broad in scope and demonstrates his awareness of the many hazards which lie in the way of living a good life. While the final good for man may be thought of as analogous to Hegel's discussion of infinity - an end which is complete in and for itself, unbounded by externally imposed limits - Aristotle's description of the conduct appropriate to this end is notable for his sympathy for the difficulties created by the finitude of actual human existence which beset the man who attempts to live a good life. Similarly, in the Politics Aristotle describes the regime which is "right by nature" or, in the Hegelian language I have been using, infinitely rational and free. But Aristotle then proceeds to analyse regimes which are deficient in comparison to this absolute standard. If the best regime is "right by nature" then deficient regimes must exhibit greater or lesser degrees of "convention", of deviation from the "natural" standard. Deviations result from human ignorance, caprice, malevolence and other contingent factors. In a sense, Aristotle is more concerned with the political realities and possibilities of deficient regimes than he is with those of the best regime. Indeed, he even argues that the mixed constitution - the third best regime titled "polity" - may be the best regime one can realistically hope for. This is not cynicism nor even resignation; it is based on a realistic assessment of the actual human world, with all its ineradicable faults and limitations.

Thus we see that Aristotle is able to develop a complex

picture of ethics and politics which includes within it both "infinite" and "finite" possibilities. I could list many distinctions within practical life which Aristotle's treatment gives rise to, but I will limit myself to mentioning just a few. The first is that between the good man (ethics) and the good citizen (politics); the second is that between the best regime (right by nature) and degenerate regimes (conventional); the third is between perfect justice (distribution of goods according to the relative virtues of the recipients) and deficient justice (distribution of goods according to a principle other than virtue). These distinctions are most important, creating as they do a constant tension between what is infinite and what is finite. There can be no man who is not also a citizen of a specific regime, whether it be a good or bad one. There can be no polis which is not co-extensive with a specific regime, either good or bad. There can be no justice which is not political justice, even though the political principles which order distributive justice may be either good or bad. There exists always the possibility that the best regime will emerge, thereby creating the possibility of perfect justice as well as the opportunity for a good citizen to be a good man. This possibility informs the activity of all noble-minded men, even if they live in a degenerate regime where the possibilities of perfection are most remote. Practical wisdom both establishes the polarities described above as well as seeks practical ways to lessen their radical opposition. The practical activity which is informed by practical wisdom is political praxis. The ethical and political distinctions which Aristotle elucidates between "natural" and "conventional" - or "infinite" and "finite" - make possible practical wisdom and political activity.

When we turn to the Philosophy of Right we see that Hegel has followed a very different course. The distinctions which Aristotle develops create the tension which nourishes political activity; those distinctions have been overcome in Hegel's rational state. The first two sections of the Philosophy of Right demonstrate the necessity of a rationally organized community. But in the third section, this community becomes identified with a particular regime, the liberal bourgeois state. Aristotle preserves the notion of the polis qua polis in order to demonstrate the variety of forms it can assume while still retaining its essential features as a specific form of human association. Hegel does no such thing; he gives us a rational state which is to be regarded as complete in and for itself, as infinite. There is no need to distinguish between the political community as such and the variety of its possible forms. Still less does Hegel distinguish between good and bad forms. The distinctions which Aristotle makes allow us to retain the distinction between infinite and finite practical political possibilities. Hegel does away with this by addressing himself to the infinite form alone of the community. The other distinctions which Aristotle makes crumble away once Hegel has ignored this particular distinction. The good (free and rational) man is the citizen of Hegel's rational state.¹³ Since Hegel considers no other political forms the distinction Aristotle makes between the good man and the good citizen is irrelevant. Similarly, the justice of the rational state is perfect and no further reflections on justice are necessary.

Were Hegel able to demonstrate that his rational state does, in fact, actualize the Idea of freedom then these objections may be

considered unimportant. I am not contrasting Hegel with Aristotle for the sake of contrast alone. Since Hegel manifestly fails to demonstrate this satisfactorily, the contrast does, I believe, become significant. I have tried to demonstrate that the very distinctions which Aristotle delineates create the possibility of political action. Another way of saying this is that the recognition of the finitude of human experience must be the foundation upon which rational political activity is based. Aristotle's approach makes possible a theoretically informed political praxis aimed at substantive ethical and political ends.

In contrast, Hegel's rational state is remarkably depoliticized. The legislators hammer out positive laws with which they can be comfortable. The substantive ends of legislative activity are given, as I have tried to show, by the demands of civil society, viz. material prosperity and growth. The rational bureaucrats then execute those laws. The whole is presented as harmonious and smoothly-functioning. If we regard politics, or "the political", as a human activity which has as its end the actualization of the good for man, then Hegel's state is non-political. This concept of "the political", which goes back to Aristotle, would be agreed upon by Hegel. For Aristotle, however, "the political" can never be eliminated, it can never become aufgehoben. For Hegel, it is aufgehoben in the rational state. There is no longer any need to struggle for the good, or for freedom, since the good is actualized. The state, therefore, merely administers the good, and politics as a search for the good (freedom) ceases to be. Politics, for Hegel, is essentially a feature of the history of Spirit, a history which is completed in the rational state.¹⁴

In an interesting passage, Hegel writes:

"But if we ask what is or has been the historical origin of the state in general, still more if we ask about the origin of any particular state, of its rights and institutions, or again if we inquire whether the state originally arose out of patriarchal conditions or out of fear or trust, or out of Corporations etc., or if finally we ask in what light the basis of the state's rights has been conceived and consciously established, whether this basis has been supposed to be positive divine right, or contract, custom, etc. - all these questions are no concern of the Idea of the state. We are here dealing exclusively with the philosophic science of the state, and from that point of view all these things are mere appearances and therefore matters for history."
(PR. No. 258, Remark).

It is most important to note that Hegel says these historical matters are of no concern to the Idea (Idee) of the state; he does not mention their relation to the concept (Begriff) of the state. Now, were he referring to the concept of the state, the passage would be unobjectionable to me. The concept of the state is similar to Aristotle's concept of the polis. But Hegel says "Idea", and the Idea is the concept actualized in its perfection. It could be argued that this is only a terminological slip on Hegel's part but I think not, especially since this passage introduces his discussion of the rational state - the Idea of the state.

Had Hegel restricted himself to a discussion of the concept of the state, the passage could stand unchallenged. The concept of the state, like the concept of a polis, is independent of particular contingent - historical or otherwise - details which distinguish this state from that one. But when we examine particular states (regimes), these matters become vitally important. The way a state has developed historically, the perceptions by its citizens of this history, of the source of political legitimacy, legality and authority is of great importance. Without labouring the point, I would argue that these matters are vital

to our understanding of political activity as it exists in the real world. By consigning these matters to history and declaring them irrelevant to the rational state, Hegel is serving notice that the substantive practice of politics has no place in his rational state. Politics - the struggle to achieve certain substantive human ends - is a matter for the history or, perhaps, the "pre-history" of the rational state.

For Aristotle, the practice of politics can never cease because the finite can never be eliminated. Even in the best regimes, there may exist men who seek to replace rule for the sake of virtue with, for example, rule for the sake of wealth. Thus, even in the best regime substantive political activity - as opposed to the mere administration of the good life - is necessary. Since Hegel attempts to eliminate such finitude in his rational state, he does not develop a theory of the "political", except as an aid to historical understanding. Hegel's political theory thus ends in a double failure; first, his rational state is incapable, on his own terms, of actualization and second, his failure to discover the basic reasons for this first failure prevent him from developing a theory of politics adequate to the needs of the modern world.

We should be wary, however, of dismissing Hegel too quickly in favour of Aristotle. There are several reasons why Hegel's political theory exhibits the defects it does in comparison with that of Aristotle. First, Aristotle is concerned with the good for man which he defines as the life lived in accordance with virtue, including where possible the contemplative virtues of philosophy. Aristotle has no hesitation in restricting this good to only a relatively small proportion of the polis.

It is clearly beyond the reach of slaves, tradesmen and other "lower orders". Hegel, in contrast, defines the good in terms of freedom and, as he so often states, freedom in the modern world cannot be restricted to only a few. Quite aside from other issues, this one major difference complicates Hegel's task enormously.¹⁵ Second, Hegel has to confront the realities of the new economic order. Those factors have consequences which take us far beyond the scope of Aristotle's political theory. I have already referred to the modern elevation of heteronomous principles of freedom to the level of a "totalizing" social order. Equally important is the fact that the goals of bourgeois political economy - material prosperity and growth - are liberated from political controls. That is, the goals of economic life supplant explicitly political goals, especially the political goals described by Aristotle. Aristotle could distinguish clearly between productive wisdom (techne) and practical wisdom (phronesis). The former was the proper concern of those groups who were incapable of achieving the level of development necessary to live the good life according to virtue. As noted above, Hegel is unwilling to enforce such a harsh distinction. Indeed, the modern world has witnessed the gradual supplanting of practical wisdom by productive wisdom (the wisdom necessary for the promotion of material welfare). Political argument is increasingly restricted to the best methods of securing material prosperity. (I might add that this feature does not appear to be restricted to modern bourgeois society; socialist countries often parade socialism as a better way of achieving material welfare). I believe it is possible to claim that, in the modern world, meaningful political activity is often suppressed by the demands imposed upon the political realm by economic considerations.¹⁶

Do these considerations lead to either cynicism about the possibility of meaningful political activity in the modern age or romantic yearning for a classical age long dead, an idealized vision which ignores so many of its more base realities? Although much of what I state here is based on my reading of Hegel I believe, perhaps paradoxically, that implicit in Hegel's political philosophy are several features which may point the way out of a seemingly inescapable impasse. What follows is a brief sketch and not a full treatment of the problems. A full treatment would amount to a large-scale analysis of the relation between political theory and political practice. This is quite beyond the scope of this thesis.

I have tried to demonstrate that Hegel's rational state is a failure. It fails because it attempts the impossible - the actualization of a perfect freedom which is complete in and for itself. One of the implications of this failure is that Hegel does not leave us with a modern theory of political activity, since such activity is aufgehoben in the rational state. But in this failure, there are many elements which point beyond the specific failure of the rational state to the possibility of a genuine theory of political activity.

Hegel correctly identifies human freedom as the goal of modern political activity - theoretical as well as practical. But he goes much further than this. In Abstract Right and Morality he demonstrates the inadequacy of the leading "pre-Hegelian" concepts of freedom, concepts which still exercise a powerful influence on "post-Hegelian" thought. Hegel's critical accomplishment is informed throughout the logical terms developed in his Logic. We can restrict this discussion to one set of these terms - universal, particular and individual. I

believe Hegel is correct in his analysis of true individuality as the concrete unity of universal and particular. His analysis of "atomistic" theories of freedom demonstrates their inadequacy in light of this logical premise. More importantly, he shows that those theories themselves regress to the concept of an ordered social and political community. His great achievement, then, is to demonstrate that true individuality - of which alone rational freedom can be predicated - presupposes as its ground the concept of the rational social and political community.

These points are certainly abstract. When we turn to the analysis of the rational community the going becomes much more difficult. Hegel does, however, establish certain important points. The community must not be regarded as the servant of individualistic material interests alone (this despite Hegel's failure to describe such a community). It is not reducible to the heteronomous wills of men conceived as economic actors alone. The community embodies spiritual or cultural values which are necessary for freedom (conceived as autonomous rather than heteronomous, to borrow from Kant). It could be argued that Hegel demonstrates the merit of some measure of private property, of having "one's own", if not of unchecked personal wealth. He argues for the community assuming responsibility for the care of those who cannot care for themselves (this is regarded primarily as an economic problem but it could easily be extended into other areas, even in a society where poverty has been eliminated). In short, the community is necessary for the autonomous freedom of the individual, and the individual secures his freedom only to the extent that the political community of which he is a citizen is healthy.

These points have theoretical import. By this I mean they are the proper objects of that type of thinking which Aristotle called practical wisdom. Practical wisdom is the necessary presupposition of political activity if that activity is to be directed at securing the good for man (human freedom). Reflections of this sort on the nature of the political community, of the relation between the individual and the community or, in Hegel's language, between individual self-consciousness and the spiritual totality inform wise political activity. Political activity which refuses to consider such questions remains blind if not positively harmful. It is not the least of Hegel's achievements that he demonstrates that even the most self-consciously "pragmatic" political positions presuppose (at least implicitly) some metaphysical or theoretical propositions. Political thought has the responsibility to lay bare and examine those propositions about the nature of freedom and the political community.

I have argued that finitude can never be eliminated completely in the real political world. Political activity is not, thereby, rendered impotent. The theoretical statements I have referred to above inform our knowledge of this finite reality. Theoretically informed activity can have meaningful results. In turn, the reality of political practice forces us to reconsider some of our most cherished theoretical political propositions. The relation between theory and practice is dialectical, in which each activity is seen to mediate the other as well as itself in and through the other. Because the political world is ineradicably finite, it must always remain, in a sense, immediate. There will always be new problems which were unforeseen as well as old ones which reappear unexpectedly. A

theoretically informed practice can be regarded, then as a state of mediated immediacy. The finite political present is mediated by theoretical reflections on abstract political questions, by our historical knowledge as well as by our reflections on possible political futures.

This leads to the last point I want to make. The ineradicability of finitude is not something to be lamented. Aristotle argues that man is a political animal. Nowadays, we are all too ready to substitute "social" for political in this statement. It is sometimes argued that Aristotle didn't really have a proper concept of "social", but that this was what he really meant when he used the term "political". I believe this is a mistake. Practical wisdom, the wisdom appropriate to matters of normative human conduct, is a noble human achievement. Aristotle's teleology demands that we look to the best of a thing if we are to understand its nature. The polis is the highest form of human association. It is at its best when it is guided by practical wisdom. The exercise of practical wisdom is most noble when it is aimed at the true good, and when it is so aimed man exercises some of the greatness and reason which is implicit in him. In other words, practical wisdom is not merely valuable because it is useful if we are to secure the good; it is noble because the exercise of practical wisdom and the political activity which it informs is valuable for its own sake, as the explicit actualization of man's capacity to pursue the good for all.

I think this can be recast in Hegelian terms. Philosophical speculation about "the political" - the mode of activity aimed at actualizing human freedom - can never "close out" or complete practical

political activity. This latter is necessary finite and open-ended (this clearly implies that political history - as opposed, perhaps, to the history of metaphysics - can never be completed). Alexandre Kojève has written that in Hegel's rational, universal, homogeneous state there will be nothing left to accomplish. Kojève, neither (it seems) lamenting nor applauding this state of affairs, believes it to be an historical possibility. For the reasons I have given, I do not think this is possible, although I agree with Kojève that, were the rational state to become actual, political activity would cease. If I am correct, then political activity will always be necessary. To this, I would add the caveat that meaningful political activity aimed at freedom will persist only so long as men long for and value freedom. There can never be absolute and infinite freedom, but there can be advances in political life.¹⁷ Hegel's analysis of freedom points out some of the areas in which political activity can secure meaningful results. Similar to my statement about Aristotle, I believe that a theoretically informed political activity aimed at advancing human freedom is itself an exercise of freedom, a realization of the human capacity for rational action. For me, these convictions arise out of my reading of Hegel's Philosophy of Right, a work which crystallizes so many of the problems which confront modern political philosophy as well as modern political reality.

CHAPTER EIGHT

AN EVALUATION

FOOTNOTES

1. Of course, we should not forget that some political movements and theories are aimed directly against the spread of individual rights. The fact that we regard such movements in terms of their attitudes towards such rights only underlines the centrality of this concept to modern political thought.
2. For an excellent analysis of the ideas which were influential on the young Hegel and of Hegel's struggle to move beyond their limitations see Charles Taylor, Hegel (Cambridge, 1975), pp. 3-76.
3. Hannah Arendt has a fascinating treatment of this distinction in The Human Condition (Chicago, 1958), pp. 58-68. While we can only speculate about what Hegel's reaction would be to her analysis, I do think that some of the points she raises accord quite well with some of Hegel's statements about private property.
4. PR. #258, Remark.
5. On this point see S. Avineri, Hegel's Theory of the Modern State (Cambridge, 1972), pp. 115-131.
6. See Enc. #181 - 193.
7. cf. Enc. #198.
8. "Problem" here refers to the problem of discovering a real content adequate to the concept of freedom.
9. This is a constant theme in Hegel. See, for example, the Preface to PR.

10. Hegel consistently opposed attempts to "water-down" philosophy for mass consumption. A famous example of this attitude is his discussion of the "royal road" to philosophy in his Preface to the Phenomenology.
11. Leo Strauss reaches a similar conclusion in his debate with Alexandre Kojève on the implications of modern political philosophy. Hegel's philosophy is very much at issue between the two, although Strauss' comments are intended to embrace all modern political thinking. Strauss reaches his conclusion by a rather different path than I and draws different consequences from it than I. See Leo Strauss, On Tyranny Rev. and ENL. ED., (Ithaca, 1968), pp. 189-227.
12. I shall avoid entering into the debate about the relative value of practical and theoretical virtues for the attainment of happiness. See Nicomachean Ethics, Book vi, ch. 12-13 and Book X, ch. 6-9.
13. cf. Hegel's characterization of virtue as an outmoded concept really appropriate only to states in their infancy, PR. #150 and Remark.
14. I realize this appears to contradict my statements in the previous chapter concerning Hegel's respect for a vigorous "public sphere". I believe it can be said now that the "public sphere" is not vigorously political. The ends of the state are given, including the fundamental economic structures of the state. Public debate, therefore, centres on means and not ends.
15. I believe that modern political theorists, such as Leo Strauss, who regard the teachings of classical political philosophy as

greater and truer than modern political philosophy are less than candid about the implications of the classical tradition. This point applies especially to the role of slavery in ancient thought and the life of noble leisure which is based on it.

16. This "eclipse" of the political is the subject of some of the most interesting political theorizing of recent years. This is only a very partial list: Hannah Arendt, The Human Condition, (Chicago, 1958); Jurgen Habermas, Theory and Practice (London, 1974), pp. 1-41 and 253-283; Sheldon Wolin, Politics and Vision (Boston, 1960), pp. 286-435; Michael Oakeshott, On Human Conduct (Oxford, 1975); Eric Voegelin The New Science of Politics (Chicago, 1952); Herbert Marcuse, One-Dimensional Man (Boston, 1968).
17. Implied in this statement is the belief that we can steer a middle course between historical relativism on one side and the Hegelian absolute on the other. That is, I believe we do not have to be rational and free (infinite) individual citizens of Hegel's rational state before we can condemn with certitude the iniquity of slavery. A philosophical position which can be shown to be self-contradictory is false; we may sometimes cling to notions which we know to be false because we are afraid of what the alternatives may hold for us. Nevertheless, we can point to advances in political history which are significant for the progress of human freedom.

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